

Also, petition of Washington Camp, No. 46, Patriotic Order Sons of America, of Minersville, Pa., favoring further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PORTER: Petition of the Vernon Home Missionary Society of the Vernon Methodist Episcopal Church, favoring bill H. R. 4072—to the Committee on the Judiciary.

By Mr. RIDER: Petition of the Philadelphia Board of Trade, favoring amendment of Interstate Commerce Commission's powers on freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Indiana: Petition of the Knott-Van Arnan Manufacturing Company, of Fort Wayne, Ind., against the passage of the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the Fort Wayne Electric Works, against the anti-injunction bill—to the Committee on the Judiciary.

By Mr. RUPPERT: Petition of the Merchants' Association of New York City, favoring abolition or reduction of tariff on imports from the Philippines—to the Committee on Ways and Means.

Also, petition of the Philadelphia Board of Trade, relative to Government supervision of railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of the Merchants' Association of New York, favoring reduction of tariff on Philippine products—to the Committee on Ways and Means.

By Mr. SHOBER: Petition of several hundred citizens of the Eighth Congressional district of Iowa, praying for the passage of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLIVAN of New York: Petition of the Manufacturers' Association of New York, relative to criminal status of forgery of trade-marks—to the Committee on Patents.

Also, petition of the Philadelphia Board of Trade, relative to control of freight rates by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

## SENATE.

SATURDAY, February 4, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

### DRAWBACKS OF CUSTOMS DUTIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 1st instant, the amount of drawbacks allowed for customs duties for each fiscal year since 1900; which, on motion of Mr. PETTUS, was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

### REWARD FOR RETIRED OFFICERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from Capt. George K. Spencer, United States Army, retired, urging that such action be taken as will afford the same reward for civil war services to officers retired under the act of October 1, 1890, as has been given to other officers under the act of April 23, 1904, and calling attention to the accompanying report and recommendations of the First Division, General Staff, dated January 21 instant, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

### DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that final action be taken relative to the disposition of useless papers, documents, etc., on the files of that Department; which, with the accompanying paper, was referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills:

S. 5799. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, S. Dak.,

and upon certain lands which were heretofore a part of the Devils Lake Indian Reservation, in the State of North Dakota;

S. 5937. An act to amend an act to regulate the height of buildings in the District of Columbia;

S. 6371. An act to confirm title to lot 5, in square scath of square numbered 990, in Washington, D. C.;

S. 6489. An act to amend section 9 of the act of August 2, 1882, concerning lists of passengers;

S. 6514. An act for the relief of the Church of Our Redeemer, Washington, D. C.; and

S. 6834. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota.

The message also announced that the House had passed with an amendment the bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12346) to correct the military record of William J. Barcroft.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 14589. An act to provide for terms of the United States district and circuit courts at Washington, N. C.;

H. R. 17865. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes; and

H. R. 18280. An act to extend the western boundary line of the State of Arkansas.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

H. R. 3109. An act for the relief of Noah Dillard;

H. R. 14351. An act for the relief of the Gull River Lumber Company, its assigns or successors in interest;

H. R. 15284. An act granting to the Keokuk and Hamilton Water Power Company rights to construct and maintain for the improvement of navigation and development of water power a dam across the Mississippi River; and

H. R. 17769. An act to grant certain lands to the Agricultural and Mechanical College of Oklahoma for college farm and experiment station purposes.

### CREDENTIALS.

Mr. BAILEY presented the credentials of CHARLES A. CULBERSON, chosen by the legislature of the State of Texas a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

### PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of Camden Lodge, No. 20, Brotherhood of Railway Clerks, of Camden, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the memorials of O. Terrill, Joseph S. Van Pelt, A. A. Hopkins, J. J. Urnston, Stewart C. Allen, W. E. Van Vliet, Philip Hoffman, Charles W. Naylor, Amplew Fagans, James Voorhees, Valentine Kishner, Robert J. Lems, Edward Dumphy, E. A. Hatfield, H. B. Burns, John E. Moore, J. B. Griegs, D. H. Murphy, Hampden Smith, Thomas H. Holden, Morris Fagan, George W. Hatfield, Josyph V. Rocchietti, John Bennett, and B. O. Parvin, all of Rahway, in the State of New Jersey, remonstrating against the repeal of the present anti-canteen law; which were referred to the Committee on Military Affairs.

Mr. PERKINS presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the enactment of legislation giving to the Interstate Commerce Commission the arbitrary right to fix railroad freight rates, and praying that the members of that Commission be increased; which was referred to the Committee on Interstate Commerce.

Mr. FULTON presented a memorial of the Oregon Branch United Irish League of America, of Portland, Oreg., remonstrating against the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of the Charleston Retail Druggists' Association, of Charleston, W. Va., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

Mr. ANKENY presented a memorial of sundry citizens of Checotah, Ind. T., and a memorial of sundry citizens of Ward, Ind. T., remonstrating against the annexation of that Territory

to Oklahoma in new States to be formed; which were ordered to lie on the table.

Mr. CLAY. I present the memorial of a meeting of the tobacco growers of the southern section of my State. The memorial relates to a measure of importance. It protests against free trade between the Philippines and the United States. It is short and I ask that the body of the memorial be printed in the RECORD, leaving off the names.

There being no objection, the memorial was ordered to be printed in the RECORD, and referred to the Committee on the Philippines, as follows:

**Memorial to Congress.**

At a meeting of the tobacco growers of Decatur County, Ga., held at Amsterdam this 28th day of January, 1905, of which Hon. W. E. Smith was chairman and Mr. S. A. Clarke secretary, the following memorial to the Senate and House of Representatives of the United States in Congress assembled at Washington, D. C., was unanimously adopted, and signatures affixed thereto:

We, the tobacco growers of Decatur County, Ga., this day assembled at Amsterdam, beg leave to present to your consideration the following memorial protesting against the passage of a certain bill introduced in the House on the 14th of January instant, by Congressman CURRIS, of Kansas, placing on the free list of the tariff act all Philippine products, except sugar and tobacco, which it is provided shall pay only 25 per cent of the rates specified in the Dingley law. The measure is of the most vital importance to the domestic tobacco industry and should have your prompt and serious attention, if the bill is to be defeated and this great industry preserved throughout the United States.

Such a bill would operate most disastrously upon our trade. It would cut off at once 75 per cent of the protection provided by the existing tariff, reducing the rates on filler leaf from 35 cents to 8½ cents, on wrappers from \$1.85 to 46½ cents, and on cigars and cigarettes from \$4.50 per pound and 25 per cent ad valorem to \$1.12½ per pound and 6½ per cent ad valorem. Cigars now paying an average of \$63 per thousand would pay less than \$16, and under a decision of the Treasury Department would pay no internal-revenue tax, a saving of \$3 per thousand additional. Such an arrangement would enormously stimulate the production of tobacco in the Philippines, practically all of which is cigar leaf.

Owing to the protection given cigar-leaf tobacco under existing law its production has been greatly stimulated in this country and section of Georgia and Florida, until millions of pounds of the finest Sumatra and Cuban leaf and fillers are produced annually, giving profitable employment to thousands of wage-earners and adding to the wealth and prosperity of our common country.

The passage of the Curtis bill would destroy this industry in our section root and branch, for the reason that our tobacco growers could not and would not attempt to compete with the cool labor of the Philippine Islands, where 6 cents per day is accounted a remunerative wage, and where 37½ cents per day is the maximum price given the most expert cigarmakers. Surely the Congress of the United States can not think seriously of reducing the wages of a million free Americans engaged in this home industry to the level of the pauper labor of the Far East, or of destroying it entirely, which would inevitably follow the passage of the Curtis bill.

The Philippine Islands are and have been all along an expensive burden to the people of the United States, and we believe that they should be allowed to bear at least a small part of this burden by paying a share into the public Treasury in import duties, otherwise under the Curtis bill they will contribute nothing and destroy a great American industry, which God forbid.

In the growing of our fine Sumatra leaf tobacco our farmers have to incur great expense; among some of the items, shading costs \$250 per acre. Yet we have thousands of acres under this costly protection from insects and summer sun. These growers, the great majority of whom are poor men, have worked early and late, and have spent their hard earnings without stint to make this industry self-sustaining, and they will feel as if they had been unjustly treated, aye, and robbed by their own Government, in order that the semisavage millions of a distant foreign clime should be enriched at their expense.

Therefore, we would earnestly call upon our immediate Senators and Representatives in Congress to do all in their power to defeat this piece of unjust legislation, and would appeal to the entire American Congress to set the seal of their disapproval upon it, thereby assuring the wage-earners engaged in this great industry that they shall never be forced to compete for a living with the semibarbarians of the Philippine Islands or of any other cheap-labor country in the world.

Mr. FAIRBANKS presented petitions of sundry citizens of Princeton, of the Woman's Christian Temperance Union of Amboy, and of the Blue River Monthly Meeting of Friends, of Salem, all in the State of Indiana, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a memorial of Local Union No. 300, Cigar Makers' International Union of America, of Michigan City, Ind., remonstrating against the reduction of the duty on tobacco and cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the National Board of Trade of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Hellman Machine Company, of Evansville; of Eli Lilly & Co., of Indianapolis; of W. D. Allison & Co., of Indianapolis; of the Retail Druggists' Association of Lafayette; of the Vigo County Druggists' Association, of Terre Haute, and of J. H. Wood & Son, of Lafayette, all in the State of Indiana, and of the Chicago Retail Druggists' Association, of Chicago, Ill., praying for the enactment of legislation authorizing the registration of trade-marks used in commerce with

foreign nations or among the several States and Territories; which were referred to the Committee on Patents.

He also presented a memorial of the Studebaker Brothers Manufacturing Company, of South Bend, Ind., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented petitions of Post J, Indiana Division, Travelers' Protective Association, of Evansville; of the Indiana Hardwood Lumbermen's Association, of Indianapolis, and of the Mayflower Mills, of Fort Wayne, all in the State of Indiana, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Railroad Division, No. 452, Order of Railway Conductors, of Richmond; of the Indiana State legislative board, Brotherhood of Railroad Trainmen, of Indianapolis; of Vigo Lodge, No. 16, Brotherhood of Locomotive Firemen, of Terre Haute, and of the general grievance committee, Order of Railway Conductors, of Elkhart, all in the State of Indiana, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Daniel Stewart Company, of Indianapolis, Ind., praying for the passage of the so-called "Newhouse railroad commission bill;" which was referred to the Committee on Interstate Commerce.

Mr. CARMACK presented a petition of sundry citizens of Tennessee, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Tennessee, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented sundry papers to accompany the bill (S. 1527) for the relief of the estate of John T. Stringer, deceased; which were referred to the Committee on Claims.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, relative to the adoption of an amendment to the irrigation law so that a portion of the appropriation for irrigation may be used for drainage purposes when necessary; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

**Concurrent resolution by Mr. Bacon.**

Whereas our National Congress has by law provided that nearly all moneys received from the sale of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming shall be used for irrigation purposes in the arid and semi-arid districts of the said States; and

Whereas there are portions of the State of North Dakota that would be greatly benefited by a proper drainage and reservoir system; and

Whereas the expense of such a drainage system would be too burdensome under our State law as it now exists: Now, therefore, be it

*Resolved by the senate of the State of North Dakota, the house of representatives concurring,* That our Senators and Representatives in Congress be requested to use all honorable means to secure an amendment to the national irrigation law to the effect that a portion of the money set aside for irrigation and reservoir purposes may be used for drainage purposes where necessary in said State. And be it further

*Resolved,* That a copy of these resolutions be sent to each of our Senators and Representatives in Congress.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, relative to the use of the waters of the Missouri River for irrigating purposes under the irrigation law; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

**Concurrent resolution introduced by Mr. Voss.**

*Resolved by the senate of the ninth session of the State of North Dakota, the house of representatives concurring,* That we urge our Senators and Members of Congress to secure the passage of an act authorizing and permitting the taking of the waters of the Missouri River for irrigation purposes under the national irrigation act, approved June 17, 1902.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, relative to an appropriation of \$20,000 for dredging the Red River and aiding navigation; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

**Concurrent resolution by Mr. Bacon.**

Whereas much grain is raised for sale by the farmers in the Red River Valley; and

Whereas much of this grain could be more conveniently marketed at warehouses along the river than at railway stations; and

Whereas it would save much labor and expense to farmers if they were able to market at such warehouses; and

Whereas the river channel is so filled up as to prevent the passage of boats loaded to their full capacity: Now, therefore, be it

*Resolved by the senate of the State of North Dakota, the house of representatives concurring,* That our Senators and Members of the



House of Representatives in Congress be requested to put forth every effort and use all honorable means to secure the appropriation of \$20,000 from the United States Government for the purpose of dredging the Red River and aiding navigation; and be it further

*Resolved*, That a copy of these resolutions be forwarded to each of the Senators and Representatives of this State in Washington.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, relative to the removal of the internal-revenue tax on alcohol denatured and intended to be used in the industries; which was referred to the Committee on Finance.

He also presented a concurrent resolution of the legislature of North Dakota, relative to the use of the waters of the Missouri River and its tributaries for irrigation purposes; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

Concurrent resolution by Mr. Stevens, of Burleigh.

Whereas the navigable rivers are the heritage of all the people of our Commonwealth; and

Whereas it is necessary, in order to carry out the provisions of the national irrigation act for irrigation in the State of North Dakota, to take water from the Missouri River and its tributaries for irrigation purposes; and

Whereas the navigation laws of the United States may in some manner conflict with the appropriation and diversion of these waters for the purpose of irrigation: Therefore, be it

*Resolved by the house of representatives, the senate concurring*, That the United States Senators and Members of the House of Representatives of the National Congress be most respectfully petitioned to urge the passage of such measures as will permit the waters of the Missouri River and its tributaries to be taken therefrom for irrigation purposes, under such rules and regulations as may be prescribed by the reclamation service of the United States, while continuing to preserve and improve our navigable rivers for the purpose of navigation; further be it

*Resolved*, That the United States Senators and Members of the House of Representatives of the National Congress be most respectfully petitioned to make adequate provision for the improvement of the Yellowstone River below the proposed dam near Glendive, and for the improvement of all other navigable rivers within our State.

Mr. TELLER presented a memorial of the Crow Creek Tribe of Indians, of Crow Creek Agency, S. Dak., remonstrating against the use of tribal trust funds in support of Catholic schools; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Wholesale Grocers' Association of Denver, Colo., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Lamar, Colo., praying for the passage of the so-called "Kinkaid bill," relating to the unappropriated and unreserved arid public lands in the Bent Land district; which was referred to the Committee on Public Lands.

He also presented a petition of the congregation of the First Presbyterian Church of Boulder, Colo., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Longmont, Colo., and a petition of the Woman's Christian Temperance Union of Boulder, Colo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Denver; of the Prohibition party of Denver; of the Jennie Smith Woman's Christian Temperance Union, of Denver; of the Woman's Christian Temperance Union of Salida; of the Woman's Christian Temperance Union of Boulder, and of sundry citizens of Florence, all in the State of Colorado, praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which was ordered to lie on the table.

He also presented petitions of Pikes Peak Lodge, No. 32, Brotherhood of Railroad Trainmen, of South Pueblo; of Local Lodge, Brotherhood of Railroad Trainmen, of Salida, and of Holy Cross Division, No. 252, Order of Railway Conductors, of Leadville, all in the State of Colorado, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Hillrose, of the Pharmaceutical Association of Denver, and of sundry citizens of Canon City, all in the State of Colorado, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

Mr. GALLINGER presented petitions of the congregation of the Baptist Church of Peterboro, of the Woman's Christian Temperance Union of Webster, and of the Woman's Christian Temperance Union of East Rochester, all in the State of New Hamp-

shire, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PLATT of Connecticut presented a memorial of the Chamber of Commerce of New Haven, Conn., remonstrating against the removal from office of the Board of General Appraisers unless convicted before a judge of the United States circuit court on charges constituting grounds for removal, as provided in the act of June 10, 1890; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of New Haven, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented a petition of the Union League Club of Chicago, Ill., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

#### INTERSTATE-COMMERCE LAW.

Mr. NELSON. I present a paper, being an address on the defects of the interstate-commerce law and how it should be amended, by A. B. Stickney, president of the Chicago Great Western Railway Company, delivered before the Washington Economic Society last evening. I move that the paper be printed as a document, and that it lie on the table.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16663) granting an increase of pension to Henry Newcomer;

A bill (H. R. 17073) granting an increase of pension to Francis M. Shewmaker;

A bill (H. R. 16701) granting an increase of pension to Emanuel F. Brown;

A bill (H. R. 16834) granting an increase of pension to Thomas Harris;

A bill (H. R. 17151) granting a pension to Avery Dalton;

A bill (H. R. 16815) granting an increase of pension to Michael L. Essick;

A bill (H. R. 16488) granting an increase of pension to Daniel Reagan;

A bill (H. R. 16573) granting an increase of pension to Jonathan Wiggins;

A bill (H. R. 16308) granting an increase of pension to Webster Eaton;

A bill (H. R. 16254) granting an increase of pension to Lydia R. Howard;

A bill (H. R. 16046) granting an increase of pension to Frederick Lahrmann;

A bill (H. R. 17092) granting an increase of pension to John Jeffers;

A bill (H. R. 17060) granting an increase of pension to Daniel H. Hastings;

A bill (H. R. 16968) granting an increase of pension to John H. Ladd;

A bill (H. R. 16707) granting an increase of pension to John Bechman;

A bill (H. R. 16574) granting an increase of pension to Leonard C. Davis;

A bill (H. R. 16879) granting an increase of pension to William H. Brown;

A bill (H. R. 16929) granting an increase of pension to John Moore;

A bill (H. R. 16427) granting an increase of pension to Alfred D. Launder;

A bill (H. R. 16419) granting an increase of pension to F. A. William Weaver;

A bill (H. R. 16105) granting an increase of pension to Cyrus B. Allen; and

A bill (H. R. 16310) granting an increase of pension to Hugh McKenzie, alias James A. Trainer.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11599) granting an increase of pension to Albert S. Granger;

A bill (H. R. 15838) granting an increase of pension to Mary F. Fuller;

A bill (H. R. 5265) granting an increase of pension to Sara A. Haskell;

A bill (H. R. 15655) granting a pension to Mattie M. Bond;  
A bill (H. R. 15788) granting an increase of pension to Silas W. Bullock;

A bill (H. R. 15043) granting an increase of pension to James R. Ferson;

A bill (H. R. 16740) granting an increase of pension to Laura Coleman;

A bill (H. R. 17035) granting an increase of pension to William H. Miles;

A bill (H. R. 17084) granting an increase of pension to Alonzo P. Spooner;

A bill (H. R. 15787) granting an increase of pension to Thorndike P. Heath;

A bill (H. R. 17085) granting an increase of pension to William S. Stanley;

A bill (H. R. 16685) granting an increase of pension to Isaiah M. Adams;

A bill (H. R. 16849) granting a pension to Edward H. Holden; and

A bill (H. R. 17164) granting an increase of pension to Solomon Carpenter.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16239) granting an increase of pension to Mary K. Roane;

A bill (H. R. 16749) granting a pension to George W. Cowan;

A bill (H. R. 16473) granting an increase of pension to John R. Karns;

A bill (H. R. 16746) granting an increase of pension to James J. Summers;

A bill (H. R. 16745) granting an increase of pension to John W. Davis;

A bill (H. R. 16472) granting a pension to Frances A. McQuiston;

A bill (H. R. 17731) granting an increase of pension to William Stewart;

A bill (H. R. 17543) granting an increase of pension to Lafayette Brashear; and

A bill (H. R. 15640) granting a pension to William E. Quirk.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 3478) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as the "Moat," for school purposes, reported it with amendments, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. PERKINS on the 2d instant, proposing to appropriate \$5,000 for the salary of consul-general at Tientsin, China, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. NELSON on the 31st ultimo, proposing to increase the salary of the consul at Bergen, Norway, from \$1,500 to \$2,000 per annum, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GAMBLE. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5800) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota, to report it with an amendment, and I submit a report thereon. I call the attention of the junior Senator from Montana [Mr. GIBSON] to the bill.

Mr. GIBSON. I wish to state that there are members of the Committee on Public Lands who do not concur in the report made by the Senator from South Dakota. They ask leave to submit a minority report, which they will do in the next two or three days, if permitted.

The PRESIDENT pro tempore. The Chair hears no objection. The views of the minority are by right submitted when they are ready.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, reported an amendment increasing the limit of cost for the construction of the municipal building at Washington, D. C., from \$2,000,000 to \$2,500,000, etc., intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6753) to amend the Code of the District of Columbia regarding corporations, reported adversely thereon, and the bill was postponed indefinitely.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 18123) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes, reported it with amendments, and submitted a report thereon.

#### SPOKANE INTERNATIONAL RAILWAY COMPANY.

Mr. BERRY. I report back favorably from the Committee on Commerce, with an amendment, the bill (S. 6951) to authorize the Spokane International Railway Company to construct and maintain bridges across the Pend d'Oreille River and the Kootenai River in the county of Kootenai, State of Idaho.

Mr. HEYBURN. I ask for the present consideration of the bill. It is a bridge bill, and there is necessity for its early passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 2, line 2, after the word "route," to strike out the following words:

And they shall enjoy the same rights and privileges as other post-roads in the United States.

And in lieu thereof to insert:

Upon which, also, no higher charge shall be made for the transportation over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions of war over public highways leading to said bridges.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### COLLECTION OF ADDITIONAL STATISTICS.

Mr. QUARLES. I am directed by the Committee on the Census, to whom was referred the joint resolution (H. J. Res. 185) authorizing and directing the Director of the Census to collect and publish additional statistics relating to cotton, to report it favorably, with amendments, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment of the Committee on the Census was, in line 4, after the word "publish," to strike out "on the same dates and at the same time he makes publication of" and insert "in connection with;" so as to read:

That the Director of the Census be, and he is hereby, authorized and directed to collect and publish in connection with the ginners' reports of cotton production provided for in in section 9 of an act of Congress entitled "An act to provide for a permanent Census Office, approved March 6, 1902," etc.

The amendment was agreed to.

The next amendment was, at the end of the joint resolution, in line 13, after the word "year," to insert:

And the Director of the Census shall make semimonthly publication of the amount of cotton ginned in lieu of the monthly reports which he now makes.

The amendment was agreed to.

The next amendment was to insert after the amendment last agreed to:

That the Director of the Census be, and he is hereby, authorized and directed to collect and publish the statistics of and relating to marriage and divorce in the several States and Territories and the District of Columbia since January 1, 1887: *Provided*, That such statistics as now required by law to be collected be used so far as it is practicable to do so.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing and directing the Director of the Census to collect and publish additional statistics."

#### ALMA L'HOMMEDIEU RUGGLES.

Mr. ALGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5718) granting a pension to Alma L'Homedieu Ruggles, to report it with amendments; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Pensions were, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and at the end of the bill to insert "in lieu of that she is now receiving;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to



the provisions and limitations of the pension laws, the name of Alma L'Hommedieu Ruggles, widow of Gen. George D. Ruggles, late Adjutant-General United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7067) for the relief of the vestry of the Episcopal Church of The Plains, Fauquier County, Va.; and

A bill (S. 7068) for the relief of the trustees of the Methodist Episcopal Church South, of Suffolk, Nansemond County, Va. (with accompanying papers).

Mr. BERRY introduced a bill (S. 7069) for the relief of the heirs of Richard Higgins, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 7070) for the relief of Anna S. Frobel; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 7071) granting a pension to Mary C. Hughes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7072) for the relief of William H. Blades; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 7073) granting an increase of pension to Charles H. Young; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7074) granting an increase of pension to Huntville A. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 7075) authorizing the Joint Committee on the Library to purchase a bust of President Zachary Taylor; which was read twice by its title, and referred to the Committee on the Library.

Mr. CLAY (for Mr. TALIAFERRO) introduced a bill (S. 7076) granting a pension to Susan Hayman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 7077) granting a pension to Robert Catlin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 7078) to fix the allowances and percentages of the collector at the port of New Haven, Conn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BATE introduced a bill (S. 7079) for the relief of Edmund W. Williams, executor of the estate of Joseph R. Williams, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 7080) providing for the allotment and distribution of the tribal funds of the Yankton tribe of Sioux Indians in the State of South Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LONG submitted an amendment relative to the removal of restrictions upon the allotments of adult mixed-blood Indians and white persons in the Quapaw Agency, Ind. T., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate \$500,000 for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to appropriate \$22.76 to pay Edward G. Edgerton, postmaster at Yankton, S. Dak., in full for difference in compensation he was obliged to pay over and above the regular contract price with Simon Price, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

He also submitted an amendment proposing to increase the limit of cost of the public building in Yankton, S. Dak., from \$80,000 to \$86,000, intended to be proposed by him to the sun-

dry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### WITHDRAWAL OF PAPERS—ESTATE OF MORTON P. LEVY.

On motion of Mr. McENERY, it was

*Ordered*, That on the application of Mary Ann Scooler, administratrix of the estate of Morton P. Levy, she is authorized to withdraw from the files of the Senate all papers accompanying Senate bill 723, for the relief of the estate of Morton P. Levy, first session Fifty-seventh Congress.

#### ACTS RELATING TO COMMERCE.

On motion of Mr. ALLISON, it was

*Ordered*, That there be printed for the use of the Senate as a single document 1,000 copies of the act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof and supplemental thereto; also an act entitled "An act to establish the Department of Commerce and Labor," approved February 4, 1903; also an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903; and also an act entitled "An act to protect trade and commerce against unlawful restraints," approved July 2, 1890.

#### THE UTAH RESERVATION.

Mr. KEARNS submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate without delay what steps have been taken to comply with the provisions of the act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, approved May 27, 1902, which provides for the opening of the Uintah Reservation; and that he further furnish the Senate with all the causes which operated to stay the opening of said reservation, together with a copy of such order or orders made by him or by his direction to carry out the said act of Congress in relation to said reservation.

#### HOUSE BILLS REFERRED.

H. R. 14589. An act to provide for terms of the United States district and circuit courts at Washington, N. C., was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 17865. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

H. R. 18280. An act to extend the western boundary line of the State of Arkansas was read twice by its title, and referred to the Committee on Territories.

#### RED LAKE INDIAN RESERVATION, MINN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.

The amendment of the House was, on page 3, after line 9, to insert as an additional section the following:

Sec. 5. That the laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of intoxicating liquors in the Indian country shall be in full force and effect throughout the territory hereby granted until otherwise directed by Congress or the President of the United States, and for that purpose said tract shall be held to be and to remain a part of the diminished Red Lake Indian Reservation.

Mr. NELSON. I move that the amendment of the House be concurred in.

The motion was agreed to.

#### NATIONAL INCORPORATION FOR RAILROADS.

Mr. PROCTOR. I ask unanimous consent to call up House bill 18329, the agricultural appropriation bill.

Mr. NEWLANDS. It is my purpose to call up Senate joint resolution 86.

The PRESIDENT pro tempore. Will the Senator from Nevada wait one moment? Without objection, the agricultural appropriation bill is before the Senate. Will the Senator from Vermont yield to the Senator from Nevada?

Mr. PROCTOR. The appropriation bill has been read only half through, and I think it is very important on account of the prospective absence of the chairman of the House committee that it should be ready for conference as early as possible. I dislike to give way. I hope it may be speedily concluded.

Mr. GORMAN. I do not understand that the bill is yet before the Senate, or that it can be brought before the Senate without unanimous consent at this hour. It is not yet 1 o'clock.

The PRESIDENT pro tempore. That is the correct statement.

Mr. NEWLANDS. I will simply say that I do not wish to interpose any objection to the Senator's request for the consideration of the appropriation bill, but it is my purpose to call up Senate joint resolution 86, creating a commission to frame a national incorporation act for railroads engaged in interstate commerce, which is now upon the table. It was my purpose to

discuss it for about fifteen minutes and then have it referred to the Committee on Interstate Commerce. In the discussion the other day I was drawn off into the consideration of the legal and constitutional questions involved, and I wish simply to present a few remarks upon the economics of the railway situation. If the Senator from Vermont will give way to me, I should like to proceed with my remarks.

Mr. PROCTOR. Mr. President, I dislike very much to postpone the consideration of the appropriation bill. There are only thirty pages more to read. I do not think there is anything in the measure that ought to lead to any discussion. Certainly I shall not take any time, and I do not think there are any amendments to be offered that will take any time. I hope the Senator from Nevada will allow it to go along. It is very important that it should be disposed of.

Mr. NEWLANDS. The statehood bill will be under consideration now for quite a while, and I should like to have the joint resolution before the Interstate Commerce Committee while the hearings are being held there. At the same time I should not like to lose the opportunity of making the remarks which I propose to make explanatory of the joint resolution. It will take only fifteen minutes, and I do not think the Senator from Vermont will lose much time.

Mr. PROCTOR. If the Senator is very sure that he can limit his remarks to fifteen minutes I will cheerfully give way.

The PRESIDENT pro tempore. The Senator from Nevada asks that Senate joint resolution No. 86 be laid before the Senate. It will be read.

The Secretary read the joint resolution (S. R. 86) creating a commission to frame a national incorporation act for railroads engaged in interstate commerce, as follows:

*Resolved, etc.,* That a commission consisting of fourteen members, one of whom shall be experienced in railroad traffic management, to be appointed by the President of the United States, one of whom shall be an attorney at law, to be appointed by the Attorney-General, one of whom shall be an expert in transportation, to be appointed by the Secretary of Commerce and Labor, one of whom shall be an expert in transportation law, to be appointed by the Interstate Commerce Commission, five of whom shall be Senators, to be appointed by the President pro tempore of the Senate, and five of whom shall be Members of the House of Representatives reelected to the Fifty-ninth Congress, to be selected by the Speaker of the House, shall frame and report to the Congress of the United States a national incorporation act for railroads engaged in interstate commerce, providing, among other things, as follows:

First. For the construction of interstate railroads throughout the United States, the amount of the bonds and stock to be issued by such corporations to be determined by the Interstate Commerce Commission, and not to exceed in any event the actual cost of such railroads;

Second. For the consolidation of railroads now engaged in interstate commerce, the amount of stock and bonds issued for such consolidation to be approved by the Interstate Commerce Commission, and not to exceed in any event the actual value of the railroads consolidated, such value to be determined by the Interstate Commerce Commission;

Third. For the increase of the issues of bonds or stock by such corporations for the purchase of connecting or intersecting lines, for new construction, or for betterment of the roads, the amount of such issue of stock and bonds to be determined by the Interstate Commerce Commission, and not to exceed in any event the cost of such new construction, the betterments, or the value of the intersecting or connecting lines acquired;

Fourth. For the classification by such railroad corporations of all articles of freight into such general and special classes as may be necessary and expedient, and also the fixing of transportation rates for freight and passengers by such railroads, such classification and rates to be subject to revision and amendment by the Interstate Commerce Commission upon complaint of shippers and localities;

Fifth. For the reasonable and just exercise of such power in classifying and regulating such rates of freight and fare by providing that such power shall be exercised by the Interstate Commerce Commission in such a way as to yield each railroad corporation a fair return of not less than 4 per cent per annum upon the value of its road and property, such value to be ascertained by the Interstate Commerce Commission;

Sixth. For the hearing by such commission of complaints made either by such railroad corporations or other party at interest regarding the decision of any rate, classification, order, or regulation adopted by such commission, and for decision thereon;

Seventh. For summary proceedings in the courts on the complaint of any railroad company or other party at interest concerning the decision of any rate, classification, order, or regulation adopted by such commission;

Eighth. For the imposition of a percentage tax upon the gross receipts of all such corporations in lieu of all taxes upon the property of such railroad corporations and its stock and bonds, and in lieu of all taxes upon the bonds and stock of such railroad companies in the hands of stockholders, the property of such railroads and their bonds and stock to be entirely exempt from State, county, or municipal taxation, and for a just plan of distributing such taxes by the Federal Government among the States in which such railroads operate according to trackage or volume of business, or such other fair method as may be deemed advisable, such percentage to be so adjusted as to yield in the aggregate an amount equal to the taxes now paid by such railroads, and to be increased gradually through a period of ten years, until it reaches an aggregate of 5 per cent upon the gross receipts of such corporations;

Ninth. For the correction of existing abuses, and for the prevention of rebates, preferences, and discrimination, whether relating to communities or individuals;

Tenth. For the creation of a pension fund for railroad employees disqualified either by injury or by age for active service, by setting aside a percentage of the gross receipts of the railroads in a fund in

the Treasury, to be invested according to rules and regulations made by the Interstate Commerce Commission, such pension system to be devised, changed, and modified from time to time by the Interstate Commerce Commission;

Eleventh. For the arbitration of all disputes between such railroad corporations and their employees, as to compensation, hours of labor, and protection to life and limb.

Sec. 2. That the sum of \$5,000 is hereby appropriated for the expenses of such commission.

[Mr. NEWLANDS addressed the Senate. See Appendix.]

#### AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906.

The reading of the bill was resumed at line 12, on page 33.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Forest Service," on page 33, line 24, before the word "clerks," to strike out "ten" and insert "seven;" on page 34, line 1, after the word "each," to strike out "seven thousand two hundred" and insert "five thousand and forty;" in line 2, after the word "dollars," to insert "three clerks (now laborers), at \$720 each, \$2,160;" in line 5, before the word "clerks," to strike out "nineteen" and insert "twelve;" in line 6, before the word "dollars," to strike out "eleven thousand four hundred" and insert "seven thousand two hundred;" in the same line, after the word "dollars," to insert "seven clerks (now laborers), at \$600 each, \$4,200;" in line 8, before the word "clerks," to strike out "eleven" and insert "nine;" in line 10, before the word "dollars," to strike out "five thousand two hundred and eighty" and insert "four thousand three hundred and twenty;" in the same line, after the word "dollars," to insert "two clerks (now laborers), at \$480 each, \$960;" so as to read:

Salaries, Forest Service: One forester, who shall be chief of bureau, \$3,500; one chief, division of records, \$2,200; one clerk, class 4, \$1,800; three clerks, class 3, \$4,800; one clerk, class 2, \$1,400; five clerks, class 1, \$6,000; ten clerks, at \$1,000 each, \$10,000; eight clerks, at \$900 each, \$7,200; one clerk, \$840; four clerks, at \$800 each, \$3,200; seven clerks, at \$720 each, \$5,040; three clerks (now laborers), at \$720 each, \$2,160; twelve clerks, at \$600 each, \$7,200; seven clerks (now laborers), at \$600 each, \$4,200; nine clerks, at \$480 each, \$4,320; two clerks (now laborers), at \$480 each, \$960, etc.

The amendment was agreed to.

The next amendment was, in the same clause, on page 34, line 19, after the word "messenger," to insert "(now laborer);" in line 21, before the word "messengers," to strike out "three" and insert "two;" in line 22, before the word "hundred," to strike out "eight" and insert "two;" in the same line, after the word "dollars," to insert "one messenger (now laborer), \$600;" in line 24, after the word "carpenter," to insert "(now laborer);" and on page 35, line 2, after the word "electrician," to insert "(now laborer);" so as to read:

One computer, \$1,400; one draftsman, \$1,600; two draftsmen, at \$1,200 each, \$2,400; one draftsman, \$1,000; one draftsman, \$900; one computer, \$1,000; one photographer, \$1,200; one photographer, \$900; one messenger (now laborer), \$720; one messenger, \$700; two messengers, at \$600 each, \$1,200; one messenger (now laborer), \$600; one messenger, \$400; one carpenter (now laborer), \$720; two watchmen, at \$600 each, \$1,200; one electrician (now laborer), \$600; one skilled laborer, \$600; in all, \$81,960.

The amendment was agreed to.

The next amendment was in the clause "General Expenses, Forest Service," on page 35, line 16, before the word "forest," to strike out "Federal" and insert "national;" so as to read:

*Provided,* That the cost of any building erected shall not exceed \$500; for all expenses necessary to protect, administer, improve, and extend the national forest reserves, etc.

The amendment was agreed to.

The next amendment was, on page 36, after line 9, to insert:

That every person who knowingly pastures or causes to be pastured any live stock upon public lands of the United States situated within a forest reserve without first having obtained a permit so to do under rules and regulations prescribed by the Secretary of Agriculture shall, upon conviction, be punished by a fine not to exceed \$1,000, or by imprisonment for not longer than one year, or by both such fine and imprisonment.

Mr. PROCTOR. Mr. President, that amendment is withdrawn by the committee.

The PRESIDENT pro tempore. Then the amendment will be disagreed to.

Mr. HEYBURN. Mr. President, do I understand that the amendment which has just been read on page 35 is withdrawn?

Mr. PROCTOR. Yes; the matter is before another committee, and it having been considered by another committee, and there being differences of opinion about it, we thought it better to leave it to the other committee.

Mr. TELLER. Mr. President, I want to say to the chairman of the committee that that would work a great hardship in the western country. It would be equivalent to driving a great many people from their homes who already live inside of reser-



vations and were there before the reservations were made. It would be an exceedingly cruel and harsh thing to do under any circumstances. But, of course, if the amendment has been withdrawn, there is no use of any further discussion about it.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 36, line 19, before the words "forest reserves," to strike out "Federal" and insert "national;" so as to read:

For ascertaining the natural conditions upon and for utilizing the national forest reserves—and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota, to be exported from the State, Territory, or the District of Alaska, in which said reserves are respectively situated—for the employment of local and special fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of forest reserves, and in conducting experiments and investigations in the city of Washington and elsewhere.

Mr. TELLER. Mr. President, I want to call the attention of the chairman of the committee to lines 22, 23, and 24, on page 36, which are part of the text of the bill as it came from the House of Representatives, I understand.

Mr. PROCTOR. Yes.

Mr. TELLER. It seem to me that the authority there given ought not to be given to the Secretary of Agriculture or to anybody else. For instance, there are a large number of forest reservations in the State of Colorado. We have never exported any timber from Colorado, and we have none that ought to be exported. I should not like to have the Secretary of Agriculture authorized to cut timber on a reservation and send it out of the State. If this be the proper time, I should like to move an amendment to that provision.

Mr. PROCTOR. I would suggest to the Senator that that will be in order after the committee amendments shall have been disposed of.

Mr. TELLER. I can offer the amendment later?

Mr. PROCTOR. Certainly.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 37, in line 12, after the word "elsewhere," to insert:

And he may dispose of photographic prints at cost and 10 per cent additional, and other property or materials under his charge in the same manner as provided by law for other bureaus.

The amendment was agreed to.

The next amendment was, on page 37, in line 12, after the word "expenses," to strike out "seven hundred and sixty-five thousand nine hundred and twenty" and insert "seven hundred and ninety-three thousand one hundred and eighty;" so as to read:

For collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations; and for the purchase of all necessary supplies, apparatus, and office fixtures; for freight and express charges and traveling and other necessary expenses, \$793,180, of which sum not to exceed \$25,000 may be used for rent.

Mr. GORMAN. Mr. President, when this bill was under consideration a day or two ago I stated from a hasty examination that I believed there was a duplication in the appropriations on account of the forest reserve division. Such examination of the estimates, as I was at that time able to make, led me to believe that I was correct in that statement. I have since looked the matter up and want to say to the chairman of the committee in charge of the bill that I find that the appropriation of \$375,000, which has heretofore been made on account of the forest reserves while under the control of the Interior Department, was contained in the sundry civil bill, and not in the legislative bill. Therefore if it is omitted when we come to consider the sundry civil bill, the appropriation would practically amount to the same, although the whole appropriation contained on this account is over \$800,000—approaching a million dollars—which would seem to be a very large sum even after the consolidation that is provided for in the act which was recently passed, being House bill 8460, of this session, which has not yet, I am told, become a law and a copy of which can not be found here. As I have said, that seems to be a very large amount, even when we consider the provisions of the present bill, by which the duties of that division are greatly enlarged—whether wisely or not remains to be seen. For instance, I find that not only is an appropriation made sufficient to pay all the clerks and others employed in that service, but how we are to go on under this provision to permit the Secretary to erect as many buildings at as many forest reserves as he may desire at not to exceed a cost of \$500 each. Then by a subsequent provision if any association or person may donate to the Government land in any section of the country for a forest reserve, it is to be accepted and taken care of. That would seem to be an extraordinary discretion.

It may be wise, and yet it does seem to me, Mr. President, that Congress ought to reserve some sort of right in this matter. The acceptance on the part of the Secretary would bind Con-

gress for all time to take care of whatever happens to be donated. There are enterprising associations of men—men of large means and wealth—who are looking in that direction, more especially to the south of us, who have great game reserves, in order that they may amuse themselves during a part of the year. And when that sport has ceased, or practically ceased, they may simply turn those reserves over to the Government of the United States, upon the acceptance of the Secretary of Agriculture. To provide that we should bind ourselves to take care of all of those places that are now private parks would seem to be rather an extraordinary provision. I should like to have the chairman of the committee in charge of the bill tell the Senate precisely what he has in view, and why this great discretion, without any action on the part of Congress, is to be lodged in the hands of the Secretary of Agriculture.

Take the case of the Smithsonian Institution. We all know how it was created and what a valuable work it has done for the country and for the world; yet Congress will not permit that great Institution to accept a collection of art objects valued at \$1,000,000. Why? Because Congress, up to this time, and the committees that have considered matters in connection with that Institution, have considered that it was unwise and improper to grant authority to any body of men to accept donations that might entail great expense upon the Government hereafter. There is pending now an offer of a magnificent donation to the Smithsonian Institution—what is said to be one of the finest collections, probably, in the world—yet we do not permit that Institution to accept that gift until specific appropriations have been made. I understand from the public prints—and I think there is no doubt about the authenticity of the report—that the donor now offers to construct even the building to house the exhibit and to defray the entire expense; yet it can not be done without action by Congress designating the site and fixing the character of the building.

In the provision of the bill under discussion there is delegated to the Secretary of Agriculture a power—never delegated to a Secretary of Agriculture before—to accept, in his discretion, anything that may be offered. I should like to have the Senator from Vermont give us some explanation of this proposition, and tell us why it is that such discretion is to be lodged in the Secretary of Agriculture.

Mr. PROCTOR. Mr. President, I suppose the Senator is well aware that there is a very greatly increased interest in forestry matters. If he attended any of the sessions of the Forestry Congress, held about a month ago, he must have been convinced of that fact. I was fortunate enough to attend one meeting of that congress. I did not hear the address of the President of the United States, but I heard several presidents of great railroad corporations, one of whom, the president of the Northern Pacific Railroad Company, I know. Although I had given the matter some attention, I must say I was astonished at the statistics that he gave as to the railroad consumption of timber for ties and various other purposes. The importance of the subject was, I am sure, impressed upon everybody who was present.

While, until I had investigated the matter, I shared to some extent the feeling of the Senator that perhaps we were going a little faster than was really necessary, I am now convinced that we are doing really less than it is for the public interest that we should do. With our rapidly increasing population and the great growth of industrial enterprises which use a vast amount of timber, we are likely, in a few years, to be as badly off for timber as almost any country in the world.

Private individuals and corporations are doing in this matter very much more than I was aware of. The Agricultural Department has not been able to secure the services of enough men educated and well trained in the matter of forestry service, on account of their resigning and being granted leaves of absence without pay to supply the demand from private parties for their services, to give instruction in the care of forest lands and the planting of new forest growths. I think there is no money better expended than what is being used for forestry purposes.

In regard to what the Senator says about the acceptance of forest land from private individuals, that was a new matter to me. I inquired into it and found that in some cases tracts of land had been offered to the Government without charge. The reason for accepting these offers, as it seems to me, is that the land is in timbered regions; and it was offered for the public interest, with the idea that the care taken by the Government of the lands so presented might be an object lesson that would be of great general benefit.

Mr. FULTON. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Vermont yield to the Senator from Oregon?

Mr. PROCTOR. Yes.



Mr. FULTON. Does the Senator refer to the proposed amendment as set forth beginning in line 20, on page 37?

Mr. PROCTOR. Yes.

Mr. FULTON. Then I should like to ask the Senator if it is proposed under that provision to make such tracts as shall be donated forest reserves without reference to their being contiguous to previously established reserves or being within the line of previously established reserves? If so, then we will have forest reserves in spots all over the timbered States wherever the timber has been previously logged off, and will simply have a checker-board of little forest reserves. There is very great objection to that.

I do not agree with the Senator that we are probably going too slowly in this matter. I think we are probably going a little too rapidly in the matter of establishing forest reserves. I do not know what proportion of Oregon is within forest reserves or forest-reserve withdrawals, because I have not heard this morning, but up to last night very nearly one-fourth of the State was embraced within forest reserves. Those reserves stand in the way very largely of the State's development. There is no means of constructing roads across them. They divide Oregon geographically north and south, and there is no authority for constructing roads through the reserves or building through them lines of communication from one part of the State to another.

Vast tracts of merchantable timber are now within the limits of forest reserves—timber that has matured and that should be cut and go into commerce; and yet it has been withdrawn from commerce. The timber industry is one of the principal sources of commerce and revenue in the Western or Pacific-coast States, and this is becoming a serious problem with the people on the Pacific coast, at least in some sections. One of the principal resources is lumbering. Vast sections of timber land are withdrawn. No adequate means are afforded for cutting the timber and sending it to the markets.

I wish to call the Senator's attention to the fact that while he is protecting the forest resources of the country he must also have some consideration for the development of the States in which the forest reserves are located. There is an implied understanding, I think, when a State is admitted into the Union that the public lands within the State shall remain open for settlement. Otherwise the possibility for State development is destroyed, and if all the land where timber is grown may be turned into forest reserves because some man wants to have his name attached to a forest reserve and have it go thundering down the ages as his reserve—

Mr. CLAY. Is it not true, I will ask the Senator, that forest reserves have become so numerous that they are a burden to the people? This bill provides that—

The Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said reserves are respectively situated.

Is it not true that the reserves have become so numerous that people have come here and even asked for permission to go into them and cut timber and export it?

Mr. FULTON. With the permission of the Senator from Vermont, as I really have taken him off the floor, not intending to discuss the bill so extensively when I rose—

Mr. CLAY. There is a provision in this bill that the Secretary of Agriculture may authorize private persons to go into the forest reserves and cut timber for the purpose of selling it, and I see that there have been applications made to the Department stating that the timber ought to be used for that purpose. Evidently the forest reserves have become so numerous as to be a burden to the people.

Mr. FULTON. That, in my judgment, is correct. I believe forest-reserve withdrawals have been permitted to too great an extent by far. It is crippling the resources of the States that are largely timbered, and matured timber has been withdrawn that should be in the market to enter into the commercial and the manufacturing industries of the country.

This provision to which the Senator from Georgia refers impliedly gives the Secretary of Agriculture power to say whether or not the timber when cut may be exported from one State to another, and of course it is in his power to say whether or not timber shall be cut at all within the limits of a forest reserve. I appreciate the fact that if we have forest reserves there must be power lodged somewhere to control the removal of timber from them. But I believe that the withdrawals for forest-reserve purposes are already too extensive.

I also believe that some better facilities should be provided by the law for the disposal of matured timber. It is retarding settlement in the States where the land has been so widely

withdrawn. It does not follow because land is timbered, or even because it is well timbered, that good homes may not be built upon it or that the land may not be useful for agricultural purposes when the timber is removed. Large tracts of timbered lands on the Pacific coast from which the timber has been removed have become very valuable agricultural and grazing lands.

I think the provision on page 37 should be guarded by some additional amendment. I do not believe lands should be received by private donation for forest-reserve purposes unless they are contiguous to a previously established reserve or within the boundaries of a previously established reserve.

Mr. HANSBROUGH. Mr. President, I agree with much that the Senator from Oregon [Mr. FULTON] has said in regard to the general policy relating to forest reserves. But let me call the attention of the Senator and the Senate in general to the fact that we have entered upon a policy of national irrigation, and if we are to do anything of importance in that direction it seems to me it is going to be necessary to preserve the forests of the country to the furthest extent.

The Senator from Oregon speaks of the importance of the development of the industries of the various States that are interested in irrigation and forestry. Mr. President, I do not know any better way to develop the industries of a State, where a portion of that State or all of it is in the arid or semiarid region, than by encouraging the growth of trees on the watersheds, where water may be conserved for purposes of irrigation.

Now, in respect to this particular provision which the Senator has discussed here, I wish to say that I am advised—and I do not know that I am authorized to state all the details as they come to me—that negotiations are now pending between the Forestry Bureau in this city and two of the great land-grant railroads of the country, whereby those roads propose to transfer to the Government the title to large tracts of forest land, first being allowed to take from those lands the matured timber, with a view to allowing the Government, under the scientific arrangements which it has adopted, to enter upon a policy of reforestation upon the lands so transferred, so that there may be another, a second, and a third, and a fourth growth of trees on those lands. It seems to me that that is in the interests not only of preserving the forests, but also in the interest of irrigation.

Mr. BERRY. Will the Senator from North Dakota permit me to ask him a question?

Mr. HANSBROUGH. Certainly.

Mr. BERRY. The clause beginning in line 18, on page 36, is so awkward in its wording that I am unable to understand exactly the intention.

Mr. HANSBROUGH. What page?

Mr. BERRY. Page 36, beginning in line 18. Does the Senator understand from that that the Secretary may permit individuals to go on these lands and cut timber and sell it, ship it abroad, or is it only that timber can be removed for some specific purpose, such as in connection with the investigation of agents spoken of afterwards?

Mr. HANSBROUGH. I will state what I think is the purpose of that provision. The Senator from Oregon touched upon that point a few moments ago.

Mr. BERRY. I was not in the Chamber.

Mr. HANSBROUGH. The Senator from Oregon stated that he believed that the matured timber upon these forest reserves should be marketed. I think he is right about it. I think when a tree has its growth it should be removed and utilized, and thus give an opportunity for other trees to grow for the use of future ages. I think that is the purpose of the provision to which the Senator from Oregon called my attention. There are vast forests in Alaska, I understand, where the trees have their full growth, and the fires and the elements generally are destroying them. The purpose of the provision, as I understand, is to allow the cutting and sale of those trees and their being worked up into lumber, or in any way to make them merchantable.

Mr. BERRY. Where does the money go, if they are sold?

Mr. HANSBROUGH. I think there is a provision here, and if there is not there ought to be, requiring the Secretary to turn the money into the Treasury, of course. That is the understanding.

Mr. BERRY. There is nothing of that sort in this particular section, and on its face, it seems to me, the Secretary might select private individuals whom he wanted to favor, if there were any such, and permit them to cut off any amount of timber. I can not see the necessity for more forest reserves if the Secretary can permit anyone who desires to cut timber and sell it. It seems to me the section is very awkwardly drawn.

Mr. HANSBROUGH. That may be. It is possible that the language could be improved and the section greatly strength-



ened. But I have only stated, as I understand it, the general purpose of the provision. I assume that the Secretary of Agriculture would be careful enough, under his authority and his oath of office, to see that the interests of the Government were subserved and that no particular individual had any advantage over any other individual.

Mr. FULTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. HANSBROUGH. With great pleasure.

Mr. FULTON. I wish to ask the Senator a question. Would you favor allowing the Secretary of Agriculture to accept as a forest reserve a tract of a hundred acres, we will say, isolated, distant from any other reservation?

Mr. HANSBROUGH. No; I do not believe that personally I would favor such a policy, nor do I think it is the intention of the Secretary to enter into that kind of business. My understanding is this—

Mr. FULTON. I call the Senator's attention to the fact that there is not any limitation as to the area which he is permitted to accept nor as to its location with reference to previously established reserves. Do you not think there should be some limitation?

Mr. HANSBROUGH. Perhaps it would be well for some limitation to be put in the bill. My understanding is that it is the purpose, if the pending negotiations shall be consummated, to transfer to the Government large tracts of land. Of course the railroads own only the alternate sections.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. HANSBROUGH. I yield to the Senator from Idaho.

Mr. HEYBURN. I should like to submit an inquiry to the Senator. Take the amendment under consideration, in connection with the bottom paragraph on the previous page, page 36, and let us see what effect the operation of the law would have upon the public lands, taking those two together. I call his attention to the paragraph at the bottom of page 36, in which it is proposed, among other things, that—

the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said reserves are respectively situated.

That would permit the Secretary to grant permits to railroad companies to remove the timber from the Government's alternate sections within a forest reserve and ship it over the world, wherever they saw fit. That would dispose of the Government timber in a forest reserve. Then it permits the railway company to denude its land of the timber, to sell it in whatever market it may find. There you have an unbroken area of the public domain of the United States, all of which becomes a forest reserve.

Now, this bill makes no provision for the portion of the land which may be adapted to home making and agriculture and the building of cities and other public development. It says it shall go into a forest reserve. You tie up the public domain to that extent.

Mr. HANSBROUGH. Let me ask the Senator a question. The Senator comes from a State which is very much interested in irrigation. I ask the Senator if he does not think a policy predicated upon the fact which he has stated here would be a very wise policy in the interest of national irrigation?

Mr. HEYBURN. I will answer that with a good bit of satisfaction and pleasure. The forest reserves created in the State from which I come, for the first ten years of the operation of the law, were created within the humid region and not a single one within the arid region of the State—that is, at the heads of streams flowing into those portions of the State where we need no irrigation.

This bill does not confine its provisions to any section of the country—that is, to the arid region of the country. The forest reserves are largely in the humid sections of the United States. Trees grow there, and that is the reason why the forest reserves are there. That is where the timber grows. You are not dealing with the arid region of the country when you are dealing with the provisions of this bill.

Mr. HANSBROUGH. Let me call the attention of the Senator to the fact that the arid regions are dependent upon the waters that are conserved in the forests in the humid region. Otherwise there would be no necessity for a national irrigation act.

Mr. HEYBURN. I should like to ask the Senator whether or not it has come within his notice that the snows go first out of the timber in the mountains; that the snow falls more

lightly down through the branches of the trees and rests on the ground more lightly and does not freeze so hard? Flowers are in bloom in timber at the heads of streams in the mountains before the snows are off the bare peaks which have no timber on them.

We are misled sometimes by taking things for granted. It seems to have been taken for granted that the snows lie in the timber longer than they do on the bald mountains, and the high mountains are practically free from timber at the top. The snow is not conserved, as we are told, by reason of the timber.

Mr. HANSBROUGH. I do not know as to the general details of the melting of snow.

Mr. HEYBURN. I will say to the Senator that I have had opportunity to observe the condition throughout a good many years, and I know that it is true. It is well enough to stand or sit in Washington and theorize about how the snow would be protected by the rays of the sun because it was in timber, but those of us who live in the mountains and among the timber know that there is no foundation for the theory. The snow disappears from the timbered land when we have as yet remaining the glaciers and the heavy frozen snows of winter on the mountain tops upon which we depend for the high water of June and that season of the year when we rely upon the great reservoirs being filled.

Mr. HANSBROUGH. Generally speaking, we all understand that the moisture comes from the mountains into the streams that flow out upon the land we are trying to irrigate. I think there can be no dispute as to that.

Another point I desire to refer to is with respect to the money derived from the sale of any timber by the Secretary of Agriculture, under the provisions appearing on page 36, to which the Senator called my attention. I find in an act which has just passed—I think it has been approved and is now on the statute books—this provision:

That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States for five years as a special fund available, until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of the Federal forest reserves.

That is the act recently passed transferring the forest reserves from the Secretary of the Interior to the Secretary of Agriculture.

Mr. GORMAN rose.

Mr. HANSBROUGH. This is in a separate act, I will say to the Senator from Maryland.

Mr. GORMAN. I should like to know from the Senator where he finds the limitation, even of five years, in that act?

Mr. HANSBROUGH. That limitation was put in, as I understand from the Senator from South Dakota [Mr. KITTREDGE], by the conference committee. The limitation to five years was inserted in conference.

Mr. GORMAN. If the Senator will permit me, I should like to ask him a question. Is it possible that he can approve of a provision of law such as this, which seems to have escaped everybody's attention when it passed, except in the case of the irrigation matter, probably? Here you authorize the head of a Department to lease public reservations for grazing purposes, or to sell timber therefrom, and then you permit the money to be expended by him at his discretion without any further act of Congress. Suppose it is limited to five years; and I do not find that limitation in the original act. It may be the law that has not yet been received from the printer. But as the measure came from the committee it was unlimited as to time.

But even with the limitation, to grant to any one officer of the Government the power to dispose of any property on such terms and to whomsoever he sees proper, and then to place the money at his disposal for another purpose, is very extraordinary legislation, I submit to the Senator; and I call his attention to the fact, as he is a member of the committee in charge of this bill, that we ought to have some limitation now in regard to that matter and some correction of the abuse in this special act.

Mr. HANSBROUGH. I would not object to the Senator from Maryland inserting an amendment in the pending bill providing that any moneys that may come into the hands of the Secretary of the Interior, or any other Secretary, for that matter, from that source shall be covered into the Treasury and remain there until they are appropriated by Congress. I think the Senator is right about that.

Mr. GORMAN. I am very glad to hear the Senator say that, and I trust the committee will prepare a proper amendment—and if not, I will—to cover the point.

But I wish to call the Senator's attention again to page 36 of the bill as it comes here. Senators will remember that this is a transfer to the Agricultural Department of the Forest-Reserve Division from the Interior Department, where heretofore

they have had very ample power to protect whatever we had, and yet here comes all this legislation from another body to the Senate, and it is ratified and extended by our committee:

And the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said reserves are respectively situated.

That can be done anywhere in the United States and the product may be shipped out, as was well stated by the Senator from Oregon. Following that is the other provision, that he may accept any land that may be donated and name it after the donor, the Union Pacific, the Northern Pacific, or any other railroad company, and it becomes the property of the United States, subject to our control, and all the expense of taking care of it is to be provided from the Treasury, without the slightest limitation. I understand that the Senator from Vermont, the chairman of the committee, said that when he first looked at it he considered it rather an extraordinary power, but that certain suggestions had been made to him which caused him to modify his view.

I find nothing in the report either of the Department or of the committee that gives the faintest idea of who has been offering land and to what extent we are going in this matter.

Mr. HANSBROUGH. I will say to the Senator that I think these negotiations are tentative. I am advised by parties connected with the forestry service here that they are pending, and that there is a very fair probability that the negotiations will succeed, resulting in the transfer of a very large tract or several large tracts of land now owned by railroad companies—land-grant roads—the roads being permitted first to take the matured timber from the land. The land will then be transferred to the Government of the United States without any consideration whatever, with a view of permitting the Government to enter upon the policy of reforestation.

Mr. PATTERSON. May I ask the Senator from North Dakota a question?

Mr. HANSBROUGH. Certainly.

Mr. PATTERSON. Are not the lands that the railroad companies propose to donate to the Government, and which are to be taken care of by the Government, practically valueless when denuded of timber?

Mr. HANSBROUGH. They are for the moment.

Mr. PATTERSON. That is, the railroad companies take all the timber of value from off those lands. Are not the lands, while in the possession of the corporations, subject to taxation in the States or Territories in which they are situated?

Mr. HANSBROUGH. After the title has passed, I suppose that is true.

Mr. PATTERSON. And by this sort of a deal with the Government are not the railroad companies getting rid of land that they could not sell to others? The Government gives its care to the lands and the lands are exempted from taxation while the Government has title. It exempts the railroad companies from taxation and takes charge of the lands, preventing them from going into the hands of private persons, if anybody should desire to secure possession of them.

Mr. HANSBROUGH. In answer to one point raised by the Senator, I will say I do not think any agent of the Government of the United States would accept, even as a gift, worthless lands upon which timber could not be reproduced.

Mr. PATTERSON. I suppose the theory of the Government would be that there might be replanting and a new growth of timber.

Mr. HANSBROUGH. Or timber might grow without replanting.

Mr. PATTERSON. Yes; as the result of care for a great many years. But does not the generosity of the railway companies really consist in getting rid of lands that would be simply a burden and an expense to them, and that they could not dispose of to others?

Mr. HANSBROUGH. I think the real purpose of the railroad companies in entering into this negotiation with the forest-reserve officers here is to have the land reproduce, from time to time, a growth of trees that would be valuable not only for merchantable purposes, for lumber, etc., but that would also furnish ties with which they can reconstruct their roads from time to time, because that is a very serious question with them.

Mr. PATTERSON. The lands will reproduce timber without the title passing to the Government or without the exercise of any particular care by anybody. The reproduction of timber upon timber land is a natural process, as we know in the mountain States and Territories. Where large areas have been devastated by fire, within a reasonably short time you see the growth of new trees.

Mr. HANSBROUGH. That is the very point, Mr. President. I am glad the Senator has raised it. Under prevailing conditions

the railroad companies and the private holders of property within the indemnity limits and all the limits of these land grants have been unable to cope with the great fires which destroy timber. The forestry reserve service here are now working toward a policy under which they will be able to control the fires by policing the country and watching in every way.

Mr. PATTERSON. When forest lands have been denuded they are not in danger of fire. The fire only passes over lands that are covered with a comparatively thick growth of rather heavy timber. It is rarely that you see the effects of fire in the mountains on land covered with a young growth, and certainly not on land that has been denuded of its valuable timber. The lands that suffer from fire are practically virgin lands upon which the timber yet stands, or of which but little has been taken away.

Now, as I understand the Senator from North Dakota, there is no proposition to give to the Government timber lands with any valuable timber, or lands that would bring 5 cents and more upon the market, but lands that have been absolutely valueless except for the timber once there.

Mr. HANSBROUGH. I do not suppose that the Government of the United States cares to go into the business of acquiring timber lands merely for the timber that is on the land.

Mr. PATTERSON. The Senator will also agree with me that in every State and Territory these land-grant railways are compelled to contribute a very considerable portion of the revenue in the way of taxation upon the lands that they own and hold. It is all assessed for taxation, and if they are permitted to eliminate or get rid of these lands and they are transferred to the Government, then, under the terms of each State constitution, not a dollar of tax can be collected from them, while if they go into the hands of other corporations or of private individuals, wherever they may go, they are yet subject to taxation.

Mr. HANSBROUGH. Suppose they are worthless? Suppose they can not transfer them to private individuals, that private individuals do not want them? They are valuable only for their timber.

Mr. PATTERSON. The State always finds value enough in lands of whatever character to have them listed for taxation.

Mr. HANSBROUGH. The taxes are very small, the Senator will remember, as to this class of railroad lands.

Mr. PATTERSON. That is true.

Mr. HANSBROUGH. The taxes are very slight.

Mr. PATTERSON. But the better part of the energies of this land-grant railroad and other railroads, as a rule, is expended in getting rid of taxation and lessening taxation.

Mr. HANSBROUGH. I am very glad that these questions have been raised in regard to this matter. I do not insist upon it, and yet I think it is a move in the right direction. I think it is something we ought to discuss here and have some understanding about.

Mr. HEYBURN rose.

Mr. HANSBROUGH. I yield to the Senator from Idaho.

Mr. HEYBURN. Mr. President, I was seeking to direct the Senator's attention to this point. By the provisions of this bill these lands would become permanently and forever a forest reserve. If the Government receives them for that purpose, would the Government be at liberty at any future day to open them for settlement? It says "to accept the gift of land for forest reserve purposes." Suppose settlement crowds upon one of these reserves that have been given to the Government by these generous railroad companies or citizens, as it may be, the Government would be, under the terms of this bill, forever precluded from opening them to settlement, and we would thus have a large section of the country tied up in a permanent forest reserve, irrespective of what the development of future settlement or the needs of settlement might be.

Mr. HANSBROUGH. The Senator is a lawyer. I will ask him whether that would not depend entirely upon the instrument of transfer?

Mr. HEYBURN. This provides for the character of the instrument. It says they shall be given for forest-reserve purposes. I propose, when I can do so properly, to move to strike out that clause, and also to strike out the complementary provision which is a part of it and the foundation for it, on page 36, which gives the Secretary of Agriculture—

Mr. TELLER. The provisions on pages 36 and 37 go together.

Mr. HEYBURN. Yes; one is a complement of the other. One is a part of the other as a plan or scheme. I propose to move to strike out the section which gives the Secretary power to permit timber and other forest products cut or removed from the forest reserves of the United States to be exported from the State or Territory, because it is a part of the plan foreshadowed by this proposed amendment, that that would enable the rail-



road company to denude its alternate sections of timber, and, as the Senator from Colorado says, to avoid taxation and the burden of ownership, give the lands back to the Government and receive an honorary benefit in having it known by the name of the donor, tie up the lands forever as a forest reserve, and thus deduct from the area of those States we represent the limit of forest reserves, which, until the recent Executive order in the State I represent here in part, amounted to over 25 per cent of the land in the State.

Mr. HANSBROUGH. That is the view of the Senator. I do not think that that was the view of the committee or of any individual member of it.

Mr. HEYBURN. I do not charge that it was.

Mr. HANSBROUGH. They were not specially interested in the provision.

Mr. HEYBURN. I am not charging that the committee or any member of it or any member of this body has any such scheme or plan in mind, or ever had, or ever will entertain such; but there are influences behind all this legislation that sometimes deceive the ablest men, and it is our business and our duty to look to the bottom of them and detect them, and having detected them to eliminate them from our legislation.

Take another phase of it. The Senator from Maryland says there is no provision for the disposition of the money realized from the sale of these lands. Suppose under this provision, on page 36, the Department, as a lump transaction, should contract with one of the great railroad corporations for the sale of all the timber within the Bitter Root Forest Reserve or the Mount Rainier Forest Reserve. That contract amounts to ten, fifteen, or twenty million dollars, perhaps. They would not be required to remove the timber perhaps under thirty, forty, or fifty years, but they agree to do it, and the money passes. There is no provision in this bill, nor is there any provision in the bill transferring the Forestry Department to the Department of Agriculture, as to what shall be done with the money, except so far as it may be used by the Department. Are we prepared to make an appropriation to any Department of this Government of an indefinite sum that might amount to \$20,000,000 without providing to what use the money shall be put? That is what the two bills taken together amount to. These are very serious matters for consideration, and it ought not to be disposed of without a much more thorough consideration than we can give in the short time allowed us to-day.

Mr. HANSBROUGH. I agree with the Senator from Maryland that there ought to be provision here to safeguard the money so that the money may be covered into the Treasury, subject to appropriation or reappropriation by Congress. I think that should be put in there.

Mr. TELLER. Mr. President, there is not time to-day to debate this very important question. I merely wish to call the attention of the Senate to it for the three or four minutes I may have, to resume perhaps when the bill comes up again.

In the first place, Mr. President, there are very great legal questions presented. The lands that are proposed to be given to the Government of the United States are the property of individuals and subject to taxation in the State. I deny the right of the Government to take by gift or purchase any land within the State of Colorado or any other State except for public use, like a post-office or other public building, or something of that kind, and thus deprive the State of its right to taxation.

We passed a law a good many years ago inadvertently and foolishly, because it has been very much abused, providing that the Government might reserve its own lands, and make reservations of them. Nobody thought then and nobody ever thought until this bill came here that the Government of the United States could buy up the land in a State and make a forest reserve of it. There is not a constitutional lawyer in the country who will contend that that is constitutional. The Government can not take from these railroad lands that belong to individuals and take them out of the category of taxable lands.

Mr. President, this is the most nefarious and foolish proposition I have heard in a long time. It has neither law nor sense behind it.

Mr. HANSBROUGH. The Senator is very complimentary!

Mr. TELLER. I am not complimentary perhaps to the people who put it in. Mr. President, we have seen coming from that section the most ridiculous proposition day after day and time after time, touching this question, and we, in the West, necessarily must be alive to it, for we do not intend that the Government of the United States shall cover the new States with forest reserves where there is not any forest, nor do we intend that they shall take them out of the category of taxation, except the extreme cases when they may be necessary to

preserve the water for the irrigating region. In the State of Colorado they have taken thousands of acres of land and put them in forest reserves, and I will venture to say that a two-horse team could cart off every stick that ever grew or ever will grow on hundreds and hundreds of acres.

In this bill, coming from the same source that that comes, there is a provision that if any man pastures his cow or his horse on a reservation, without first getting the permission of the Department, he may be imprisoned or punished by a fine of \$1,000.

Mr. PROCTOR. The Senator will pardon me—

Mr. TELLER. It was so ridiculous that the Senator from Vermont, the chairman of the committee, would not present it to the Senate for approval. And yet when the committee did not put it in on their own motion it was put in by the same influence that put in this provision.

Now, Mr. President, when the bill comes before the Senate again, as I understand it is now going over for the day, I propose to say something about the character of these reservations. Useful as they may be when properly guarded, and properly taken care of, and properly selected, they have become the curse, as the Senator from Oregon has said, of a good portion of that western region, and not a blessing.

Mr. PLATT of Connecticut. Is the Senator from Colorado through?

Mr. CULLOM. Yes, he is through.

Mr. PLATT of Connecticut. I wish to call attention—

Mr. BATE. I believe the hour of 2 o'clock has arrived.

Mr. PLATT of Connecticut. There is a half a minute remaining.

The PRESIDENT pro tempore. There is just about half a minute left to the Senator.

Mr. PLATT of Connecticut. I wish to call attention to the character of this legislation on an appropriation bill. It is general legislation.

Mr. TELLER. Beyond question.

Mr. PLATT of Connecticut. The discussion which has arisen here shows the impropriety of attempting to pass general legislation on appropriation bills.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House insists upon its amendments to the following bills disagreed to by the Senate:

S. 3732. An act granting a pension to Philip Lawotte;

S. 5947. An act granting an increase of pension to Florence O. Whitman; and

S. 6152. An act granting an increase of pension to Anne E. Wilson; agrees to the conferences asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama managers at the respective conferences on the part of the House.

The message also announced that the House had passed a concurrent resolution requesting the President to return the bill (H. R. 3286) granting an increase of pension to Jacob F. French.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve, and it was thereupon signed by the President pro tempore.

#### JACOB F. FRENCH.

The PRESIDING OFFICER (Mr. FOSTER of Louisiana in the chair) laid before the Senate the following concurrent resolution of the House of Representatives; which was read, considered by unanimous consent, and agreed to:

*Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 3286) entitled "An act granting an increase of pension to Jacob F. French."*

#### STATEHOOD BILL.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 14749.

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. LONG. Mr. President, I live near the northern border of the proposed new State of Oklahoma. I am somewhat familiar with the conditions which exist in the Territory of Oklahoma and Indian Territory. This is my reason for participating in this debate. I may be able to correct some of the inaccurate statements which have been made by Senators who have preceded me.

The Territory of Oklahoma is fifteen years old. A part of the lands in that Territory were not opened to settlement until 1893. Still other portions were not opened to settlement until 1901. The progress that Territory has made in the fifteen years since it was organized is without a parallel in the history of this country.

It has been settled by a people who are perfectly familiar with government, who have had experience in the States. Its population includes people from every State and Territory in the Union. It is great in the production of all kinds of agricultural products. Upon a single farm in Oklahoma can be seen growing at the same time products that grow in the States from Minnesota to Florida, from Maine to California. It produces wheat, corn, oats, cotton, and all other farm products of the great Mississippi Valley. Its fruit is a marvel to fruit growers all over the country. This Territory was awarded the gold medal at the Louisiana Purchase Exposition for the best general collection of agricultural products.

It has an area of 39,030 square miles—about as large as Ohio. It has 336 banks, with deposits aggregating \$18,000,000. It cast 109,145 votes at the election of 1904. Eighteen different States in the Union each cast a less number of votes at that election than were cast in the Territory of Oklahoma.

#### OKLAHOMA'S PROGRESS UNPARALLELED.

The value of all property in the Territory, as estimated by the governor in his last report to the Secretary of the Interior, was \$540,000,000. It has seven educational institutions under the control of the Territory, with an enrollment of 3,426. It has splendid and well-equipped buildings for these institutions. Railroads traverse every part of the Territory. Six hundred and ninety-nine miles of new track were built last year. The census of 1890 showed a population of 61,834, and the census of 1900 showed a population of 398,331. The governor of the Territory in his report to the Secretary of the Interior estimated that the population of the Territory was 700,000 last July. The percentage of illiteracy is less than in three-fourths of the States of the Union. There are 57 Presidential post-offices in Oklahoma. The Territorial land grant is estimated to be worth between \$20,000,000 and \$25,000,000. It has a magnificent system of common schools. Its people are progressive and intelligent, and by any test or standard that can be devised are entitled alone to statehood.

#### FREQUENT APPEALS FOR STATEHOOD IN PAST.

The people of Oklahoma have been appealing in vain to Congress for permission to organize a State for several years. Thirty bills have been introduced providing for statehood for Oklahoma alone. They have all failed. Oklahoma was originally a part of Indian Territory, and because of the conditions there Oklahoma has been denied statehood with Indian Territory.

The Senator from Tennessee [Mr. BATE] in his remarks yesterday said of Indian Territory:

There are 87,000 Indians there, and those Indians, as we learn from history, are the owners of the soil. It belongs to them as yet. The white man has no rights there, except such as the Indians have given him. He is there, and I want him protected, and the Indians want him protected in his rights; but has he the right to kick the Indian out of his house, set up for himself, and say, "We will have our own way?" That is the question that presents itself here, sir.

The Indians of the Indian Territory have their own schools, as was said by the Senator from Arkansas [Mr. BERRY]; they have their own courts; they have their lawyers; they have their judges; they have their magistrates; they have their own civil districts, and they have taught in their schools not only the Indian tongue, but the English tongue. That is the situation there. I do not know that there is any provision made there for common schools for white children, because the white men do not own the soil. The Indians are the owners of that soil, and the great question comes up now, Shall we legislate at the expense of the Indians? I want to see everything done there for the white man that can reasonably be done, but I do not want to see it done at the expense of the Indians, who have obtained that soil through treaties that have been solemnly made with the Government of the United States.

I submit this statement may have described conditions in Indian Territory fifteen or twenty years ago, but does not describe them as they exist to-day.

#### MISAPPREHENSION ABOUT THIS BILL.

There is misapprehension in regard to the provisions of this bill in its treatment of the Indians. Petitions have been circulated throughout the State I in part represent, asking me to vote against this bill because of its treatment of Indian Terri-

tory and the Indians therein. I have a letter here from a prominent official in my State which contains this statement:

It would be in violation of the solemn treaty obligation of the Government not to include the Indian country as part of any other State or Territory without their consent.

Accompanying this are extracts from the treaties made with the Cherokees in 1835, with the Seminoles in 1856, and the Choctaws in 1830. The treaty with the Cherokees is similar with the provisions in the other treaties, and is as follows:

The United States hereby covenants and agrees that the lands ceded to the Cherokee Nation in the foregoing articles shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory.

#### GOVERNMENT AUTHORITY OVER INDIANS NOT AFFECTED.

These good people in their petitions and letters to me express the opinion that this bill does not adequately protect the interests of the Indians, and that we are about to make a State there without the consent of the Indians and in violation of these treaties, which they claim are yet binding upon the Government of the United States. Others petition me to oppose this bill because the Government will lose its control over its wards, especially in regard to prohibition of the sale of liquor to Indians. They entirely disregard the following provision in the bill:

*Provided*, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never passed.

They also ignore another provision in the bill providing that the "sale, barter, or giving of intoxicating liquors to Indians are forever prohibited." There is also an amendment reported by the committee to the Senate providing for prohibition in Indian Territory for ten years.

Is this bill in violation of these treaties made with the Indians? Of course if the treaties are still in force, if they have not been abrogated, this bill violates them; but Senators will observe that the treaties also provide against including the Indians within the Territorial limits of a Territory without their consent. If they are still in effect, we violated them when we organized the Territory of Oklahoma fifteen years ago. That was a part of Indian Territory.

#### FORMER TREATIES WITH INDIANS ABROGATED.

But the fact is that these old treaties have long since been abrogated, and they are used now among the uninformed through petitions and letters to defeat this legislation. Those treaties were made when the Government's policy was to remove the Indians from the Southern States, where they had lived for years, to the western country, and keep them isolated from white men, who were not permitted to mingle with them. That policy has long since been succeeded by another policy, which the Senator from Colorado [Mr. TELLER] said the other day was a wrong policy—which would result finally to the injury of the Indian. But whether it is wise or not, it has been adopted, and we can not change it now. It is the policy of breaking up the tribal relations and permitting them to take their lands in severalty, each Indian to live on his allotment. The surplus lands are to be leased or sold to white men, so that the Indian, instead of being kept isolated, as in the past, is to be associated with white citizens and learn their ways and manners. That policy has been in vogue for some years, and it is by reason of that policy that these old treaties were abrogated and new agreements made.

#### BEGINNING OF NEW POLICY TOWARD INDIANS.

I wish to call attention to the beginning of this new policy in Indian Territory. In 1893 a law was passed creating the Commission to the Five Civilized Tribes, which is commonly known as the Dawes Commission. It contained this provision:

The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three commissioners to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muskogee (or Creek) Nation, the Seminole Nation, for the purpose of extinguishment of the national or tribal title to any lands within that territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment, upon the basis of justice and equity, as may with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory.



## A STATE CONTEMPLATED FOR INDIAN TERRITORY.

That was the beginning of this new policy in Indian Territory. It was contained in the Atoka agreement, made in 1898, and approved by the Indians by a direct vote. This agreement also shows that it was the intention of Congress and the Indians to make a State in Indian Territory by the time their tribal governments were to cease in 1906 without providing for a Territorial government. It says:

It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided and the necessity of the continuance of the tribal governments so modified in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the 4th day of March, 1898.

That would be March 4, 1906—

This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State into the Union.

This clearly indicates that it was the belief of Congress and the Indians that it would not be necessary to form a Territorial government there. A number of bills have been introduced providing for a Territorial government in Indian Territory, but there have none been reported from the committees of the Senate or House. We are within about one year of the time when these tribal governments are to expire, and yet no provision has been made for a State government to succeed them.

The act of June 10, 1896, contains this provision:

It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory, and afford needful protection to the lives and property of all citizens and residents thereof.

The Senator from Tennessee [Mr. BATE], in the statement to which I have referred, said they have their own courts and their own lawyers. That statement would have been correct prior to 1898; but their tribal courts were abolished in that year, and they have had none since that time. Not only were their courts abolished, but all laws passed by their tribal legislatures since 1898 have been of no validity unless approved by the President of the United States. They have had but little power for seven years. The mere shells of tribal governments remain, and these are to pass entirely out of existence March 4, 1906.

## THIS BILL CONSUMMATES OUR INDIAN POLICY.

So, instead of this bill being in violation of any agreement with the Indians, it is the consummation of the policy that we entered upon in 1893, when we created the Dawes Commission. Here are the various agreements [exhibiting] passed by Congress and approved by the tribes which now control in Indian Territory.

By an examination of these acts it will be ascertained that they provide for the rights of white men in Indian Territory. They provide for the organization of towns, and over 300 have been organized. They provide for the leasing of lands, and leases have been made all over the Territory. With the consent of Congress and the tribes, white citizens have gone into the Indian Territory, and these laws provide for their protection. In 1900 there were 398,311 people in Indian Territory, 87,000 of whom were Indians. There are now, according to the estimate of the Indian inspector, between six and seven hundred thousand people in Indian Territory, about 90,000 of whom are Indians. They have city governments only.

## DEPLORABLE CONDITION IN INDIAN TERRITORY.

We have heard a great deal lately about government without the consent of the governed. The best example of it anywhere beneath our flag is in Indian Territory. Porto Rico has a governor and an executive council. The people there elect their house of delegates; they have control of their local affairs, and elect a commissioner to represent their interests in Washington. Alaska has a governor, courts, and other officers. Hawaii has a complete Territorial government. Its people elect their legislature, which controls the local affairs of the Territory. The people also elect a Delegate to the House of Representatives. The Philippine Islands have a commission, which has charge of their local affairs. They have a governor-general. A census has been taken, and in a short time they will elect a legislative assembly, which will select two commissioners to represent their interests in Washington.

But Indian Territory has no governor, no legislature, no county, township, or Territorial government. The courts govern the country. Outside of their city governments all power is lodged in the judges and court officers. This condition has continued for years, and unless this bill passes, it will continue in the future.

It is not right to permit this to continue longer. Seven hundred thousand white citizens, capable of self-government, knowing as much about government as the people in the States, are entitled to better treatment by Congress.

## SCHOOL SITUATION WORST OF ALL.

The most deplorable condition, however, is in relation to schools. The school situation has attracted the attention of the country and Congress.

In fact, the conditions were so deplorable that last year, in the Indian appropriation act, an appropriation of \$100,000 was made for schools in Indian Territory. The language was veiled and it is difficult to determine what was intended by it, but that money has been used to educate white children in Indian Territory, and that was the purpose of the act. If this Government can appropriate money for schools in Indian Territory, it can and should do the same for Kansas, Colorado, and other States. But there was an emergency there which caused Congress to act in this unusual manner.

An examination of the reports of the Indian inspector, the superintendent of schools for Indian Territory, and the special agent of the Department of the Interior will show how inadequate this appropriation of \$100,000 has been. The special agent says that the \$100,000 was sufficient to give school accommodations to only 12,000 white children and that 60,000 had no school privileges and were growing up in ignorance. The superintendent of schools for Indian Territory says:

The white people residing in the small towns and country neighborhoods have no school facilities except such as are furnished by the little subscription schools. A few of these schools have done good work, but ordinarily they accomplish but very little. Their teachers are not required to hold certificates nor possess any special qualifications.

He then describes the use of this fund. Fifty thousand dollars of it was expended in providing accommodations for white children in the 400 Indian schools, and \$50,000 remained for the establishment of 150 schools for white children. The report then describes the number of schools that could be organized, the total being 6,180, showing how utterly inadequate that appropriation was. The inspector for Indian Territory recommends an appropriation of \$400,000 for school purposes next year.

## INDIAN CHILDREN ALSO AFFECTED.

The superintendent also describes the deplorable conditions which will exist so far as Indian children are concerned after the 4th of March, 1906, unless some adequate provision is made before that time. On that date the tribal school funds are to be divided, which means the abolishment of the tribal schools and the selling of the school buildings. The \$450,000 obtained from these tribal funds for teaching the 15,000 Indian children will no longer be available after the 4th of March, 1906.

## THE QUESTION AN ACUTE ONE.

These conditions demand legislation now. The situation there is without parallel anywhere in any place under the jurisdiction of the United States and should be speedily remedied. It is no more the duty of the Government to appropriate money out of the Treasury of the United States to educate children in Indian Territory than in Texas or Kansas. It is a condition that can only be met by adequate local legislation and should be controlled by a State or Territory.

There is no proposition pending for a Territorial government for Indian Territory. The only practical proposition is the creation of a State government for Indian Territory and Oklahoma.

## OKLAHOMA ACCEPTS STATEHOOD WITH INDIAN TERRITORY.

The Senator from Arkansas [Mr. BERRY] yesterday stated the fact when he said that the people of Indian Territory, if they could prescribe the boundaries of a State, would prefer separate statehood for Indian Territory. I know that if the people of Oklahoma Territory could themselves determine the boundaries of the State of Oklahoma they would make a State of Oklahoma alone. Oklahoma with its wealth, advancement, schools, colleges, and general resources has objected to being joined in statehood with unfortunate Indian Territory. That objection has now been withdrawn.

This is a practical question. These Territories have been denied statehood in the past on their own account. Their repeated appeals to Congress have remained unheeded, and now the people of Oklahoma Territory ask Congress to pass this bill and empower them and the people of Indian Territory to organize a State government.

Mr. BEVERIDGE. I will ask the Senator if he will permit me—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. LONG. I do.

Mr. BEVERIDGE. I will ask the Senator if what he has just stated is not true regardless of parties? Is it not the position of both parties there that they want a joint State?

Mr. LONG. It is the position of both parties, as I shall show later on.

Mr. BURROWS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. LONG. I do.

Mr. BURROWS. I should like to know, as a matter of information, why it is that Indian Territory has not been accorded a Territorial form of government? It has an immense population, and why is it that through all these years it has not had a Territorial form of government?

WHY NO TERRITORIAL GOVERNMENT HAS BEEN GIVEN INDIAN TERRITORY.

Mr. LONG. As I have said, in 1893, when we created the Dawes Commission, we entered upon the policy of terminating the tribal governments, as stated in the act for "the creation of a State or States of the Union which shall embrace the lands in said Indian Territory." In 1898, in the Atoka agreement, the belief was expressed that the arrangement for modifying the tribal governments by providing for the dissolution of the Indian courts, also that no laws passed by the Indian legislatures should be valid without the approval of the President, would be so satisfactory, that no change would be necessary until statehood, or until, as the expression is, "they shall be prepared for admission as a State into the Union." Congress deemed it best to let these tribal governments continue to exist until March 4, 1906, and then, or before, organize, not a Territorial government, but give them a State government. That has been the policy.

Mr. BURROWS. Mr. President, if the Senator will allow me—

Mr. LONG. Certainly.

Mr. BURROWS. What is there in all that that precludes the right of the National Government to establish in the meantime a Territorial form of government?

Mr. LONG. There is nothing that precludes the Government from establishing a Territorial government; but the United States, on consultation with these Indians, reached an agreement that this was the better course to pursue. So the proposition to establish a Territorial government in Indian Territory has met with no substantial support in either the Senate or the House of Representatives. If I am not correct I should like to have the Senator from Indiana, who is better informed on that question than I am, set me right; but I think no bill to make a Territorial government in the Indian Territory has been reported from the committee of either the Senate or the House.

Mr. BEVERIDGE. That is correct. I will state to the Senator, furthermore, that in the bills which proposed the admission of Oklahoma as a State by itself it was contemplated that Indian Territory should thereafter be made a portion of the State of Oklahoma.

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. LONG. I yield cheerfully.

Mr. BEVERIDGE. Mr. President, I would state, furthermore, not only that, but in the bills proposing the admission of Oklahoma as a separate State it was further provided that at some future time the lines of Indian Territory should be drawn around that State so as to include both in one State, as is proposed now to be done by the pending bill. The reason why the prior bills did not propose statehood for both Territories at the same time was because the allotments could not be completed, but this bill now comes within the time when the allotments will be completed.

Mr. BATE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. LONG. I do.

Mr. BATE. Just a word. One of the reasons, I think, why there have been no steps taken toward having a Territorial form of government in Indian Territory is the existence of the treaties between the Indians and the Government of the United States. It was provided by those solemn treaties, signed by the President of the United States, that those Indians were to be a people to themselves. They did not want a Territorial government over them, and such a government would be in direct violation of the treaties which have been made with them.

Mr. LONG. I ask the Senator what he proposes to have take the place of the tribal governments which expire by limitation on the 4th of March, 1906?

Mr. BATE. I propose to do this: Let the Government of the United States retain its power there and see that the Indians are protected and not force them to live under a State government. I believe that the people in Oklahoma do want statehood; if they can get it, they want separate statehood; but if they can not be admitted as a separate State, they want to take in Indian Territory, so as to secure their own admission. That is the sentiment there, as I gather it.

Mr. LONG. The Senator thinks, then, that the interests of the 90,000 Indians and the 600,000 white people in Indian Territory will be best protected by giving them no government at all after the 4th of March, 1906?

Mr. BATE. Not at all; the Senator does not understand me. I say that the Government of the United States should retain its power and see that its high moral obligations to those Indians are carried out, and that they should not be forced into becoming a State. I am against the admission of Indian Territory as a separate State or as a State united with Oklahoma. Others differ with me, and they may be right; but I mean to say that the Government of the United States should retain there the power it now has, and see that those Indians are properly protected and not forced into statehood, when the Government could not have any control over the question of the sale of liquor, and all that.

INDIANS CONSENTED TO TREATY ABROGATION.

Mr. LONG. Does the Senator take the position that the treaties made in 1830, 1835, and 1856, providing the Indians should not be incorporated within the limits of any State or Territory without their consent are still in force?

Mr. BATE. I think they are for the present, sir, until the Indians have a fair opportunity to decide the question among themselves by tribes.

Mr. LONG. Did they not have that opportunity when they voted on the Atoka agreement?

Mr. BATE. I think not, sir.

Mr. LONG. Have not the Cherokees had that opportunity when they voted on their agreement?

Mr. BATE. The other day the Choctaws had an election on this very point, and out of 990-odd votes there were only 5 that voted in favor of uniting Indian Territory with Oklahoma.

Mr. LONG. I am aware that there are people there who would like to have a separate State for the Indian Territory, but when it comes to fixing the boundaries of a new State, as I shall show later, not only must the Territory to be included within the boundaries be consulted, but the other States of the Union. Congress and the Territory that desires statehood must act jointly in order to fix the boundaries. In the treaties the prohibition against incorporating the Indians into any State also applies to incorporating them into a Territory of the United States. The fact is these treaties have been abrogated long ago, abrogated with the consent of the Indians, that consent having been obtained at elections held at which every member of the tribes could participate.

Mr. BATE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. LONG. Certainly.

Mr. BATE. The Senator seems to think there is no distinction between the power of the Government of the United States in a Territory and in a State. I say the Government of the United States has power over a Territory that it does not have over a State, and therefore, for the present, at least—until all these matters are settled, until the tribal relations are determined, until the land titles are settled—it would be better not to have the Indians made subject to a State government, but to have them kept in a Territory, because the United States Government has power over them in a Territorial condition.

GOVERNMENT RIGHTS NOT TO BE IMPAIRED.

Mr. LONG. I have already called the attention of the Senate to the fact that under this bill all the rights and powers which the United States now has in Indian Territory, so far as the property, lands, and other rights of the Indians are concerned, will not be impaired by this legislation. The authority of the Government over these Indians will not be limited or affected by including their lands within the boundaries of a State. They will still remain the wards of the Government.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. LONG. Certainly.

Mr. McCUMBER. Will the Senator allow me to ask him a question?

Mr. LONG. I will.

Mr. McCUMBER. The Senator has very eloquently described



not only the qualifications of the people of Oklahoma for statehood, but especially their grand prosperity and the probabilities for still greater prosperity there in the future, and has stated that in Indian Territory there are between six and seven hundred thousand white population and probably about 700,000 in Oklahoma.

I wish to ask the Senator, therefore, in connection with that statement, and considering their present population, taking into account also their natural resources, in climate, in the conditions of the country, if he does not believe that each of those two Territories could maintain a respectable State government, which would be a credit to themselves and a credit to the country?

The Senator has already stated that the people of each of the Territories would prefer to come in as a separate State, and if that is true and if they have the population and the future prospects, what objection can there be to admitting them as separate States?

#### OKLAHOMA DESIRES THE PENDING BILL.

Mr. LONG. I was just going to discuss the question as to whether the people of Oklahoma and Indian Territory are satisfied with this bill, which gives them one State instead of two, and, with the permission of the Senator, I will proceed to give the sentiment of the people of Oklahoma and of Indian Territory as expressed by them on this proposition.

Mr. McCUMBER. The question I put to the Senator was what was his opinion as to whether or not they could maintain respectable State governments separately, governments that would be a credit to themselves and to the National Government, and not what they themselves may wish.

Mr. LONG. I will state to the Senator that taking into consideration the peculiar conditions which exist in the Indian Territory, the lack of taxable lands, the conditions in regard to schools, and especially as Oklahoma consents, I believe it is the wisest and best policy to make one State there instead of two. If objection comes to this joinder, it should come from Oklahoma, where the conditions are superior, in every respect, to those existing in Indian Territory. If the people of Oklahoma consent to the joinder and ask that this bill be passed, I think the Senator from North Dakota and myself should vote to give them what they want.

I wish now to call attention to the expression of sentiment in Oklahoma Territory in favor of this bill. The governor, in his recent report to the Secretary of the Interior, has this to say:

Oklahoma should have statehood. It would be a matter of justice to grant it and a matter of injustice to longer withhold it. Seven hundred thousand citizens in this Territory are deprived of the rights of elective government. The people of Oklahoma have in the past demonstrated their capacity to govern themselves.

In his message to the legislature in January of this year he says:

Self-government is one of the things most highly cherished by every liberty-loving American citizen.

I call the special attention of the Senator from North Dakota to this statement of the governor:

The people of the Indian Territory want statehood. The bill now pending in the Senate of the United States offers what is wanted by both Territories. That bill should receive favorable action. It would be proper for this assembly to pass at once a joint resolution asking that statehood be conferred through the bill now pending in the Senate.

The legislature of Oklahoma passed such a resolution, and here are some of its provisions:

#### OKLAHOMA PETITIONS CONGRESS FOR THIS BILL.

To the Senate of the United States:

Whereas the population and the resources and qualifications of the people of Oklahoma and Indian Territories preeminently entitle them to immediate statehood; and

Whereas the Hamilton statehood bill, providing for the admission of said Territories into the Union as one State, has our approval: Be it therefore

Resolved, That the members of the council and house of representatives of the eighth legislative assembly of the Territory of Oklahoma do hereby indorse the Hamilton statehood bill and do, therefore, most earnestly pray, petition, and memorialize your honorable body to immediately pass said measure.

This is the sentiment of the people of the Territory of Oklahoma.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. LONG. I do.

Mr. McCUMBER. As the Senator directs his remarks upon that subject to me, may I not ask him this question:

Taking into consideration what he has already stated, that in his opinion the people of the Territory of Oklahoma prefer to come in as a separate State, that the people of the Indian Territory prefer to come in as a separate State, does not what the Senator claims is their acceptance of this bill simply mean that the desire to get into the Union is so strong on the part of the

people of Oklahoma that they will suffer Indian Territory to be attached to them and to come in as a State with them rather than not have statehood at all? It is not the wish to have Indian Territory attached, but simply the desire to get into the Union at that cost. Is not that the real motive?

Mr. LONG. The people of Oklahoma Territory have come to the conclusion that this measure is a just and wise one; that it has proceeded further toward legislation than any other bill that has been introduced for statehood for Oklahoma.

Mr. McCUMBER. Will the Senator yield just once more?

Mr. LONG. Certainly.

Mr. McCUMBER. The Senator says the people of Oklahoma have come to the conclusion that this measure is a just and wise one. From the information I get I do not draw that conclusion, but on the contrary they consider that it is not a wise one, but it is the best they can get, and therefore they will take it rather than take nothing.

Mr. LONG. They are satisfied with this measure. They petition you and me to support it. They want it enacted into law; and in my opinion if they are satisfied with the measure, no matter what considerations may have brought them to that position, it should be supported by us.

I desire to call the special attention of the Senator from North Dakota to this statement of facts:

The people of the two Territories have accepted the joinder as an accomplished fact. The bar associations of the two Territories have amalgamated, and in December last resolutions were adopted asking for the passage of a joint statehood act at the present session of the Fifty-eighth Congress. The Republican editors have united, forming the Interterritorial Republican Press Association, and that body has delegates here advocating the passage of the pending measure. The Democratic editors have taken the preliminary steps toward amalgamation. The bankers' associations of the two Territories have already united, and they have petitioned this body to give the two Territories joint statehood. The hardware and implement dealers, the dentists and the foundrymen, the retail coal dealers, the lumber dealers, and other numerous associations each comprise both Territories in their jurisdiction. The industrial and commercial organizations of the two Territories have a single federation. The Presbyterians have one synod for the two Territories. The Methodists have one conference for the two Territories. The Catholics and Episcopalians have a single diocese. The Scottish Rite Masons have a single consistory.

Mr. BEVERIDGE. Will the Senator permit me to add a statement here? As to most of the items which the Senator is citing in support of the proposition that these two Territories are naturally, socially, industrially, and religiously a unit, I will say the same conditions existed two years ago, and there are more forming all the time. The people have considered themselves one.

Mr. LONG. The Republican Territorial conventions of Oklahoma and of Indian Territory and the Democratic Territorial convention of Oklahoma of 1904 have gone on record for joint statehood. The Democratic convention of Indian Territory was unable to agree on the subject and no resolution touching the same was passed. Subsequently the executive committee took action for joint statehood.

That is the situation in Indian Territory and in Oklahoma. They want this measure, and they want it at the present session of Congress. They are entitled to statehood. They have the population requisite for statehood. They have the character of population requisite for statehood. They are entitled, as I stated before, by any test or standard that can be devised to admission into the Union.

What is the objection? Why can not an area such as this be accorded admission at once?

Mr. McCUMBER. The Senator, I assume, does not object to interruptions?

Mr. LONG. Certainly not.

Mr. McCUMBER. If I am in error the Senator can correct me.

The Senator says they have the population requisite for statehood, and that they have the character of population requisite for statehood. Let me ask him if they have not the population and the character of population requisite to statehood for each Territory separately?

Mr. LONG. The Senator is very generous.

Mr. McCUMBER. I always aim to be.

Mr. LONG. If he could say what kind of statehood they should have, and what he said would be done, it would be well for him to offer them two States. They are willing to have one. Is the Senator ready to give them what they want?

Mr. McCUMBER. As the question is directed to me, I will

answer it. I believe they want two States, and would prefer it if they could get it.

Mr. LONG. They say they want one.

Mr. McCUMBER. I say they wish two States, and I believe they should be granted two States. But whether they desired it or not, if they have the requisite population and the character of population and the opportunity for development and resources to justify me in the belief that each would make separately a good, respectable State, as I said, capable of conducting a State government separately, I would grant them two States, irrespective of their desire to get in as one, simply because they could possibly get in at this session as a single State.

Mr. LONG. The Senator says he would grant them two States. They would be very glad to take two States if it were in the power of the Senator to give them two States.

Mr. McCUMBER. I would be very glad if it was in my power to grant it.

Mr. LONG. The position of the Senator is something like this: He would grant them two States. He thinks they should have two. He would give them two if it were in his power to give. It is not in the Senator's power to give them two States; and believing that they should have two, he is unwilling to help to give them one. I believe that is the situation. One State is what they ask, and I say to the Senator that the people of those Territories, especially the people of Oklahoma, will appreciate more the help of the Senator to get one State now than his intention to give them two if he could do so.

Why, then, can not this bill be passed and authority given to the people of Oklahoma and Indian Territory to organize a State government? What objection can be made? The situation is peculiar. They have been unable to get their case considered on its merits. They have been unable to get Congress to consider the question whether statehood should be given to Indian Territory and Oklahoma. Bills have been introduced providing for statehood for Oklahoma and Indian Territory. They have gone to committees and have been reported in an omnibus measure in which other Territories are also included. That is the situation with respect to this bill. We not only have the consideration of statehood for Oklahoma and Indian Territory, but also the question whether the proposed State of Arizona should include the Territory of New Mexico.

#### THIS BILL FULLY CONSIDERED IN THE HOUSE.

The Senator from California [Mr. BARD], in the able speech which he made a few days since, gave the impression to the Senate that this bill had not received adequate consideration in the House of Representatives. He stated that the bill was introduced in the House of Representatives on the 4th of April, 1904; that it was reported back on the 9th; that it was taken up for consideration on the 19th; and, after three and a half hours' debate, was passed by the House of Representatives.

Of course, the procedure in the House of Representatives is different from what it is here, but the fact is that this bill which is now under consideration received long and careful consideration in the House of Representatives. Here [exhibiting] is a book containing 564 pages, and 175 pages comprise bills for statehood that were introduced and referred to the Committee on Territories of the House preceding the report on this bill.

Here [exhibiting] is another book containing 924 pages, and 780 pages contain the hearings that were had before the House committee on statehood bills, continuing from the 11th of December, 1903, to the 29th of March, 1904.

This bill, while introduced by the chairman, was really a committee bill, reported as a substitute for all other bills which had been introduced.

This bill was submitted to a Republican conference and was approved before its consideration in the House of Representatives. So it received long consideration before it came to this body; and the charge that it had not received adequate consideration before it came here can not be sustained by the facts.

#### UNITING ARIZONA AND NEW MEXICO NOT NEW.

The proposition to unite Arizona and New Mexico into one State is not new. In the Fifty-seventh Congress the proposition was made in the House of Representatives by an amendment offered by Mr. OVERSTREET, of Indiana, which provided that these two Territories should be admitted as one State. So this proposition is not a new one.

The question is whether it has merit; whether the conditions in these Territories are such that they should be united into one State. Fifty-two different bills have been introduced in Congress providing for statehood for New Mexico alone. Seventeen such bills have passed the House of Representatives. Thirty or forty favorable reports have been made on bills for statehood for New Mexico. Once such a bill passed both the

House of Representatives and the Senate, but failed in conference.

The promise made in the treaty with Mexico in 1848 that the Mexicans residing in the territory acquired by that treaty should be incorporated into the Union has been kept as to the Mexicans living in California. But that promise, so far as it relates to New Mexico and Arizona, has not been kept.

#### WHY NEW MEXICO AND ARIZONA HAVE FAILED.

Why during all these years have New Mexico and Arizona been refused statehood—New Mexico for fifty-four years and Arizona since 1863? Why are they the last to be given statehood? States with less geographical area have been admitted; why have they been denied admission? No one party is responsible for this, for different parties have been in control of Congress during that time. No other reason can be given than the insufficient population, but more, the character of that population. These, coupled with the fact that the resources of these Territories were not considered sufficient, have been responsible for them being denied admission.

If Senators wish to read a thorough discussion of the question, I refer them to the speech made two years ago in the Senate by the Senator from California [Mr. BARD]. He described the conditions which exist in Arizona as to sparseness of population and high per cent of illiteracy. He does not describe the conditions in New Mexico, but he says they are similar to those in Arizona. Senators need only to read this speech and the statistics it contains, collected from official sources, to understand why Congress for fifty-four years has failed to make good the pledge in the treaty with Mexico that the Mexicans should be incorporated into the Union.

Arizona has also had many bills introduced, but all have failed of passage.

These Territories not only have been unable to gain admission themselves, but they have retarded and prevented the admission of Oklahoma and Indian Territory.

Arizona was once a county of New Mexico. I believe the division of the Territory of New Mexico made in 1863 has retarded statehood for New Mexico. It was made then because of the inconvenience attending communication between the western portion of Arizona and the eastern part of New Mexico, where the capital was located. That objection has been removed. Two transcontinental lines traverse these two Territories from east to west—the Atchison, Topeka and Santa Fe Railway and the Southern Pacific. Other railroads are being constructed. Convenient and rapid means of communication between the people of the two Territories have been provided in recent years. They have failed for forty years to convince Congress that they should be admitted separately. I, for one, am willing to submit the proposition to the people of these Territories as to whether they want to be admitted together. This is a practical question. Let us meet it in a practical way. The fewer amendments that are made to this bill the better prospect there is of its being enacted into law. If it is amended in any important particular, it may mean its failure.

#### DUTY OF CONGRESS TO PRESCRIBE STATE BOUNDARIES.

The Senator from California [Mr. BARD] on the 6th of January made a speech, which I hold in my hand. Its title is "The autonomy of Arizona guaranteed forever." The position of the Senator is that because of a certain proviso contained in the act organizing the Territory of Arizona, Congress when it came to admit Arizona as a State, was pledged to retain the original boundaries of Arizona Territory.

I do not admit that the Congress of 1863 that passed the organic act of the Territory of Arizona could bind this Congress as to the area that should be included in the State of Arizona. It is the duty of this Congress to prescribe the boundaries for this proposed State of Arizona.

I contend that the boundaries of a new State are to be fixed by Congress and the people making the constitution at the time the State is admitted; and legislation enacted in organizing the Territory can not bind Congress in fixing the boundaries of the proposed State.

This is a proposition to admit the State of Arizona. The objection on the part of Arizona, as expressed by the Senator from California, is that in the admission of that State other territory—the Territory of New Mexico—is also included, and by doing that we violate a pledge made to the Territory of Arizona to include only the area that comprises the Territory of Arizona.

I do not believe that this is tenable. Washington was made a Territory with boundaries including the present States of Washington, Idaho, Montana west of the Rocky Mountains, and a portion of Wyoming. When it was made a State it had different boundaries from what it had when it was a Territory.



The usual provision in Territorial acts providing that nothing should be construed to prevent the division of the Territory or prevent Congress from attaching any portion thereof to any other Territory or State, was not in the act organizing the Territory of Washington. Notwithstanding the absence of this provision, Congress changed the Territory of Washington and made other Territories out of part of that Territory, and finally admitted the State of Washington with different territory than was contained in the Territory of Washington.

I think the power of Congress in the admission of States is very accurately described by Senator Harrison, afterwards President of the United States, in his report on the admission of Dakota, showing that Congress is not limited when it comes to make a State by what was done by Congress in making the Territories. This was a proposition the direct opposite of the one before us; it was a proposition to divide a Territory. The claim was made that Congress did not have power to divide the Territory and admit two States out of one Territory. Senator Harrison said:

It has been objected that there was no precedent justifying the movement on the part of any body of people less than the whole body of an organized Territory for the formation of a constitution and State government as the basis of an application for admission to the Union.

He next cites several precedents and then refers to Iowa:

In the case of Iowa the boundaries of the Territory, as organized at the time of the formation of the first constitution, embraced a large tract of country lying to the north of the present boundaries of this State and of the boundaries proposed in the first constitution. This constitution proposed to carve out of the limits of the Territory of Iowa a certain part thereof and organize it into a State. The boundaries, as proposed in this constitution, were not accepted by Congress, and the boundaries proposed by Congress were rejected by a popular vote. The second constitution, under which the State was admitted, proposed a new boundary different from either of these, being the present boundaries of the State, and this constitution was accepted and ratified by Congress.

In the light of these precedents and authorities, the committee conclude that no just criticism can be made of the proceedings taken by the people of South Dakota, nor of the methods by which they have brought their requests to the attention of the Senate.

In the light of what has been done by Congress heretofore, I do not think there is any pledge contained in the act of 1863 creating the Territory of Arizona that will bind or limit this Congress in making the boundaries of the new State.

Mr. CLAY. Will the Senator from Kansas permit me to ask him a question?

Mr. LONG. Certainly.

Mr. CLAY. The Senator has laid down the proposition that although in 1863 Congress divided the Territory of New Mexico and created the Territory of Arizona, and that act of Congress provided that Arizona should remain a Territory until admitted into statehood, it would not prevent this Congress from uniting the two. As a legal proposition, the Senator, I believe, is correct. If Congress in 1863 passed an act dividing these two Territories, undoubtedly, from a legal standpoint, we would now have the right to unite them; but if we passed such an act in 1863, creating the Territory of Arizona and pledging that it should remain a Territory until a State was created out of it, morally speaking, ought not Congress to stand by that former act of Congress?

Mr. LONG. I call the attention of the Senator from Georgia to the language which the Senator from California [Mr. BARD] claimed amounted to a pledge.

Mr. BEVERIDGE. Will the Senator pardon me before he does call attention to it?

Mr. LONG. Certainly.

Mr. BEVERIDGE. I remember, Mr. President, this portion of the argument of the Senator from California, particularly, and hope to advert to it hereafter. But the claim of a pledge was not in any language; it was an inference; and that inferential compact was not from any language, but was from a difference of language which had been employed in other organic acts from the language employed in this organic act. The novel position of the Senator from California was that the power of Congress given to us by the Constitution, plenary and absolute, was limited not even by a compact of words, but by an inferential compact, and that not even in words, but from difference of language.

Mr. CLAY. Will the Senator from Kansas permit me to say a word in reply to the Senator from Indiana?

The PRESIDING OFFICER (Mr. FOSTER of Louisiana in the chair). Does the Senator from Kansas yield?

Mr. LONG. Certainly; I yield.

Mr. CLAY. I think the Senator from Indiana will find out, for I know he has made the examination, that the people of Arizona residing therein sought a separate and distinct Territory on the ground that the two sections were too large to be united; and when the act was passed they asked that Arizona might remain a separate and distinct Territory until Arizona

should enjoy the privileges of statehood. The act creating the Territory of Arizona provided in substance that it shall remain a Territory until admitted to statehood. I agree that we have the legal and constitutional right to change it, but they sought the division on the ground that they desired to remain a separate Territory until statehood came, and now, morally speaking if not legally speaking, we ought to be bound by that act of Congress.

Mr. BEVERIDGE. With the permission of the Senator from Kansas, with reference to the implied compact contained in the language to which the Senator from Georgia has just referred, this bill meets it. This bill is within the language of that act, for Territorial government has been maintained there until we are about to erect it into a State. The act does not say a State by itself.

On the contrary, the language of the organic act, which is covered by the present proposed law, says that nothing in that act shall be construed to prevent Congress from changing the boundaries of Arizona at any time. The Senator will not contend for a moment that under that language we would not have the power in Congress, even under his implied moral agreement, to add a portion of New Mexico, and if we can throw the boundaries of Arizona around a portion of New Mexico we can throw it about all of New Mexico, even under the language of the act itself.

Mr. CLAY. I understand the act provides that Arizona shall remain a Territory until admitted to statehood. That clearly means that Arizona as divided from New Mexico shall remain a Territory until that Territory shall be entitled to the rights and privileges of statehood. It can not mean that the two can be united and hereafter admitted as one State. They were divided because the people of Arizona desired to be divided; it was too inconvenient to remain one Territory, and the very reason for which they sought to bring about the division was the fact that it was too inconvenient to travel hundreds of miles for the purpose of going to the capital. The thought was never entertained that they would be united hereafter.

Mr. LONG. It might be well, before the debate between the Senator from Georgia and the Senator from Indiana proceeds further, to read the provision in the Territorial act.

Mr. BEVERIDGE. That is an excellent suggestion.

Mr. LONG. This is the provision which the Senator from California claimed was a pledge by Congress that bound future Congresses to give Arizona statehood with the boundaries comprising the Territory of Arizona. The customary provision is there—that it should not be construed “to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it might deem proper.”

Then follows the provision to which the Senator refers:

*Provided further,* That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State, on an equal footing with the original States.

This is the provision which is claimed by the Senator from Georgia [Mr. CLAY] and the Senator from California [Mr. BARD] to bind this Congress, to limit us as to the boundaries that should be prescribed for the State of Arizona when it is admitted into the Union.

Now, in this bill to admit the State of Arizona those boundaries are enlarged, and instead of taking the boundaries of the Territory of Arizona, the area is also included which is now in the Territory of New Mexico. We are not bound morally, in my opinion, by that Congress in making the boundaries of the new State of Arizona. The boundaries of a State are made, not by Congress alone, but by Congress and the people living in the Territory affected by the legislation.

States may be admitted by the people in a Territory voluntarily getting together and forming a constitution, as was done in Kansas and Iowa, and submitting the constitution to Congress for approval. The first constitution that was submitted to Congress from Iowa was rejected on account of the boundaries. The constitution that was submitted by Kansas was finally approved, but those boundaries differed materially from the boundaries of the Territory of Kansas.

Action must be taken by Congress and the people. If Congress acts first, authorizing the making of a constitution, then the question must be submitted to the people of the Territory to say by a popular vote whether they will approve the constitution with the boundaries designated. If the people act first, it must be submitted to Congress to determine whether the constitution and the boundaries of the proposed new State are satisfactory.

It is within the province of Congress to say to the people of

Arizona, irrespective of what was contained in the Territorial act. "We will give you permission to organize a State with certain boundaries, different, it is true, from the boundaries of the Territory." It is within the province of the people living within those boundaries to approve the constitution or to reject it, and if rejected that is the end of the matter.

Mr. President, I wish to call the attention of the Senate to the way Congress is restricted in prescribing the boundaries of a new State. It is restricted, not by legislation organizing the Territories, but it is limited and restricted by the Constitution.

Mr. PATTERSON. May I ask the Senator from Kansas a question?

Mr. LONG. Certainly.

Mr. PATTERSON. I was not in when the controversy was on about the statement of the act creating the Territory of Arizona. I wish to ask the Senator in reference to the provision in the act creating the Territory of Arizona—

That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State.

I ask the Senator whether it was not in the nature of a pledge, so far as Congress could make a pledge to the people of the United States, that so many of them as went into Arizona and invested capital in Arizona, or took up their residence there, could do so with the assurance that it would not be embraced in any other Territory unless with the consent and approval of the people who might be said to comprise the government of the Territory of Arizona; and is it not a breach of faith for Congress, now that 150,000 people have gone there depending upon this privilege and invested their money and settled their families, to say now: "You shall not be admitted as a State unless you consent to be admitted in connection with a Territory larger than yourself and with a population that differs very materially in important characteristics from the population of your Territory?" Is it not a breach of faith, is it not in the nature of the violation of a solemn agreement made by Congress in 1863 with the people of the United States who might, after it was erected into a Territory, move there with their families and with their property?

Mr. LONG. As I understand, the Senator from Colorado takes the position that Congress in 1863, when it passed the Territorial act, fixed the boundaries of the future State of Arizona, and that part of this statehood legislation was taken from subsequent Congresses, and consequently from us?

Mr. PATTERSON. What I mean is that it substantially fixed the boundaries—

Mr. LONG. That is what I say, substantially.

Mr. PATTERSON. It substantially fixed the boundaries of the future State of Arizona. At least it said this much, that whatever may be the area of the Territory of Arizona, "when application is made for admission you shall be admitted with the consent of the people of that area," and they shall have a right to vote upon it, and they shall have a right to determine whether they will be a State with the area as it exists at the time the application was made."

It is in direct conflict with the proposition that a Territory larger than itself should be added to it, and it forces it into statehood with that additional Territory without the desire and against the consent of the people of Arizona Territory. That is what I contend.

Mr. LONG. Then the controversies between Congress and the people living in certain areas of the United States as to the boundaries of a proposed new State, to which I referred before the Senator came in, could all have been avoided if in the organization, say of the Territory of Iowa, a provision had been placed that the people of Iowa should be permitted to continue as a Territory until they made application and were admitted as a State. Such controversies as have come up before between Congress and the people living in the proposed area of the new State could have been avoided by a provision similar to that which is contained in the act for Arizona Territory.

Mr. PATTERSON. Mr. President, I call the attention of the Senator from Kansas to the significant fact that the provision which I have just read is the only provision of its kind found in the enabling acts of any of the Territories. The enabling act for the admission of Kansas and Nebraska, passed in 1854, like all other enabling acts, provided that the Territory might be divided into two States.

Mr. LONG. And it was so divided. If that had not been done, and the Senator lived where he does now, he would be a citizen of Kansas.

Mr. PATTERSON. And it was divided by virtue of the ex-

press provision contained in the act establishing the Territory of Kansas, or, at least, the enabling act contained a provision expressly prohibiting a thing of that kind. The act for the creation of the Territory of Arizona was adopted on the 24th of February, 1863, and, as I have said, it is the only act that contains a provision of the kind I have suggested. Just a few days afterwards, on the 3d of March, the act for the creation of the Territory of Idaho was adopted by Congress, and yet we find no such provision in that act. On the contrary, in the Idaho act we find substantially the provision that is found in the act creating the Territories of Kansas and Nebraska.

Must there not have been a reason to induce Congress to place in this Arizona act this peculiar and single provision, single to that act, and found in no other Territorial act? It stands out alone, prominently and boldly. If there was a reason—and there certainly was—for what other purpose could it have been placed there except to guarantee that those who entered that Territory should live in that Territory until it became a State in accordance with the will of the majority of the people of that Territory?

If that was not the purpose, will the Senator from Kansas enlighten this body as to what the purpose could have been? It is significant; it stands alone. But four or five days thereafter another enabling act, that for Idaho, was passed, in which no such provision is found, and in which the usual and ordinary provision is inserted. This was not idle; it was not a mistake; it was done for a purpose; and I ask the Senator when, without consulting the people of the Territory of Arizona alone by themselves, you undertake to annex them to a Territory larger than their Territory, to a population larger than their population, that will absorb them and control their political, civil, and industrial life, are you not going right in the teeth of the pledge made by Congress to the people of the country at the time of the passage of this enabling act?

Mr. LONG. I am unable to inform the Senator what the purpose was in inserting that provision in the organic act. I can state what the purpose was not. It was not the purpose of Congress, and it did not have the effect, to amend the provision of the Constitution which provides for the limitation that is placed on Congress in the organization of new States. Let me call the attention of the Senator from Colorado to the constitutional provision, Article IV, section 3, which reads:

New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned as well as of the Congress.

If Arizona and New Mexico were States, Congress would not have the power to combine them and make one new State to be called "Arizona."

Mr. BEVERIDGE. Without their consent.

Mr. LONG. Without the consent of their legislatures. The Senator from Colorado takes the position that if in the act creating the Territory there is a pledge to retain the same boundaries in the State then Congress can amend this provision of the Constitution and say that not only can not a State be made by the junction of two or more States, but two Territories can not be joined if the organic act of one of them contains the pledge not to do so.

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Colorado?

Mr. LONG. Certainly.

Mr. PATTERSON. Mr. President, I do not suggest that Congress may not at will entirely disregard this provision. There is nothing that one Congress can do that binds the hands and action of a subsequent Congress in dealing with the territory of the United States.

Mr. LONG. Does the Senator claim—

Mr. PATTERSON. One moment.

Mr. LONG. Does the Senator claim that in fixing the boundaries of the proposed new State of Arizona this Congress is at all restricted or limited in its power?

Mr. PATTERSON. Legally speaking, I would say not, but morally speaking it is most strongly bound—bound in a most ideal way.

As I was saying, I do not contend that one Congress can bind another Congress in a matter of this kind as a legal proposition, but as a moral proposition it lies with the members of subsequent Congresses whether they will observe a solemn pledge made by a previous Congress, upon the strength of which pledge thousands and tens of thousands of the people of the country have changed their situs and have invested their money.



Mr. LONG. Mr. President—

Mr. PATTERSON. One moment. If this provision means anything, it means what it says; and what is it?

That said government—

That is, the government that was then being created—

shall be maintained and continued until such time as the people residing in said Territory—

The Territory of Arizona—

That said government shall be maintained and continued until such time as the people residing in said Territory shall \* \* \* apply for and obtain admission as a State.

Mr. LONG. They have applied for admission, but Congress, instead of fixing the same boundaries as the Territory, includes other territory.

As I understand the Senator, he claims that Congress now morally—not legally, but morally—has not the right to change those boundaries or designate the boundaries—that that part of the statehood legislation is taken from this Congress by the pledge of a Congress that existed forty years ago.

Mr. PATTERSON. I suppose, Mr. President, we may accept it as true that the people of Arizona have applied for admission into the Union as a State. But the people of Arizona have applied for admission into the Union of their Territory as a State, not for admission into the Union in association with the people of New Mexico.

Mr. LONG. I will ask the Senator—

Mr. PATTERSON. They have not applied for admission into the Union in connection with an area of territory and a population much greater than their own, but they have applied for admission into the Union with the Territorial limitations marked out in the act of 1863.

Mr. LONG. And Congress in this bill modifies and changes the boundaries that they suggest in their application for statehood.

Mr. PATTERSON. One moment. As I suggested a little while ago, ever since 1863 there has been a practical pledge, so far as Congress in that year could make it, that if the people of the country would move into Arizona, taking with them their families and their property, make that Territory their home, and invest their money there, they would, when the proper qualifications existed, be admitted into the Union as a State. I say that morally—

Mr. LONG. And that the boundaries of the new State were settled forty years ago?

Mr. PATTERSON. I have never said it was legally settled.

Mr. LONG. Morally settled, then.

Mr. PATTERSON. Yes; I said it was morally settled; that the boundaries of Arizona were practically settled.

Mr. LONG. And morally settled?

Mr. PATTERSON. And morally settled.

Mr. LONG. But not legally settled?

Mr. PATTERSON. Not legally settled.

Mr. LONG. I understand the Senator.

Mr. PATTERSON. So far as the promise made by Congress in the most solemn form to the people of the country could settle it and could fix it; but now, after the people of the country have acted very largely upon the pledge made by Congress—have taken that Territory in its wild, uncultivated, and uninhabited condition and made it fit to become a State in the Union—relying upon that pledge upon the part of Congress, Congress proposes to say, "We are not bound by that pledge; there is no legal obligation resting upon us to observe it; we may totally disregard it, and we may engulf your Territorial limits and your population with other territory and other people until you are practically eliminated, and thus hold you for all time to come." That is what we complain of.

Mr. LONG. I think I understand the Senator's position, and it is this: That Congress is bound to adopt the original boundaries of Arizona, notwithstanding the proviso preceding the one to which the Senator refers, which is—

That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

That is, any Congress subsequent could divide the Territory of Arizona and make two Territories or four Territories out of it, but that when it came to form a State it must take the original boundaries of the Territory of Arizona. That, I understand, is the Senator's position.

Mr. PATTERSON. No, Mr. President; that is not what I said.

Mr. LONG. No; you did not say that, but that is the effect of what you said.

Mr. PATTERSON. Oh, well, there is a wide difference be-

tween what the Senator from Kansas construes as the effect of what I said and what I might mean. Taking both provisions together, Mr. President, I construe the act to mean, as it was proclaimed in this act to the people of the United States, that Congress carves out of this territory acquired from Mexico this area that we call Arizona; Congress will give it a Territorial form of government, and under that Territorial form you will have a certain kind of government until you are ready for admission as a State.

Mr. LONG. But Congress could divide it.

Mr. PATTERSON. One moment. The proviso is—

That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

Mr. LONG. It may change the boundaries of the Territory.

Mr. PATTERSON. I will read the other proviso:

*Provided, further,* That said government shall be maintained and continued until such time as the people residing in said Territory shall \* \* \* apply for and obtain admission into the Union as a State.

What I mean is this: Taking both provisos together and reading it all in all, Congress said to the people of the country "Arizona will remain substantially as it is now"—

Mr. LONG. No.

Mr. PATTERSON. And you shall—

Mr. LONG. Congress could divide it, and make four Territories.

Mr. PATTERSON. Yes, I know; but when you read the last proviso, which certainly limits, if it does not control, the first, it limits the operation of the first proviso. When Congress said, notwithstanding the first proviso, that the government shall be maintained and continued until such time as the people residing in this Territory shall apply for and obtain admission into the Union, it meant something.

I do not care about quibbling over this matter. What I contend is this, in brief—and then I shall not interrupt the Senator further—that reading that entire first section together it would be equivalent to a promise by Congress to the people who might move into that Territory that its boundaries would remain substantially as they were, and that they would thus continue until they applied for admission as a State into the Union. When you undertake, against their will, without consulting the people, without giving them an opportunity to be heard, to involve them with another Territory larger than their own, with another population greater than their own, differing materially in their civilization, in their habits of life, in the character of their enterprises and investments, literally wiping them out of existence as a separate entity, you are guilty of a moral wrong upon every man and woman who went to that Territory or who invested a dollar in it. You have the power to do it, you may do it legally; but no lawyer can read that section, and certainly no layman can read that section, without reaching the conclusion that I have suggested. It is against that wrong, in behalf of the people of Arizona who went there in the light of this pledge, that I protest against coercing the people of Arizona into this association with the people of New Mexico.

Mr. LONG. May I ask the Senator a question before he takes his seat?

Mr. PATTERSON. Certainly.

Mr. LONG. Under the first proviso, reserving to Congress the power of "changing its boundaries in such manner and at such time as it may deem proper," has not Congress the power to add to the Territory of Arizona all of the Territory of New Mexico, and make one Territory of the two? Is the Senator's argument that, while subsequent Congresses had the power to change the Territorial limits of the Territory of Arizona, so that it would include all of New Mexico, yet when Congress came to make a State of Arizona it would have to go back to the original boundaries of the Territory of Arizona? Is not that the effect of the Senator's argument?

Mr. PATTERSON. No, Mr. President, that is not the effect. My notion of the reason for the insertion of this clause in the act creating the Territory of Arizona is this: The part that was left as New Mexico contained the great bulk of the population that came with the Territory of New Mexico to the United States by virtue of the treaty of Guadalupe-Hidalgo. I suppose that 95 per cent of the Mexican population that inhabited the ceded territory were retained within the limits of what is now the Territory of New Mexico, and when it came to dividing the territory into two Territories, setting apart Arizona practically as virgin territory, uninhabited and undeveloped, those who had in charge the measure saw the possibility of reuniting those two areas, and, as well as they could, provided against it. The people of Arizona had in mind this: "When we have a population in the new Territory of Arizona sufficiently great to admit us

as a State into the Union, we do not want to be forced against our will into union once more with New Mexico, which contains a population from which we were divorced." For that reason, to save them from the very thing that Congress is now attempting to inflict upon them, Congress inserted this provision in the act creating the Territory of Arizona. I can think of no other reason.

Therefore, Congress can not avoid the moral obligation it assumed by annexing New Mexico to Arizona, by enlarging the boundaries of Arizona with New Mexico, and calling it "Arizona." The offense would be yet the same; the contract would be just as greatly violated. It meant, it seems to me, no other thing than what I have suggested.

In using this language Congress probably recognized that it could not absolutely bind future Congresses, but it did propose to bind future Congresses in so far as placing a moral obligation upon future Congresses to observe the pledge that it had made to the people who would go into that virgin area to rescue it from its condition of wilderness and fit it to become a State in the Union. If there ever were a people entitled to have a pledge observed and religiously followed it is the people of Arizona, who entered an area perhaps wilder, more mountainous, and more difficult of subjugation than almost any other area in the country, and improved it until it stands ready for admission, and now asks Congress to redeem its pledge.

Mr. LONG. Has the Senator finished his question?

Mr. PATTERSON. I was answering a question propounded by the Senator from Kansas.

Mr. LONG. The answer is very extensive. The position of the Senator from Colorado is that Congress in 1863 restricted future Congresses and amended the Constitution.

The Constitution provides:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

This provision is unlimited. The contention of the Senator in effect limits the provision in regard to the admission of States, making it that Congress is prohibited from uniting two States, or making a new State out of the territory of another State, or uniting two Territories where there has been a certain pledge in the organic act of one of them.

My interest in the part of the bill pertaining to Arizona and New Mexico is subordinate to my interest in the part of the bill relating to the new State of Oklahoma. I would not do injustice to the people of Arizona and New Mexico in order that justice might be done to Oklahoma and Indian Territory.

If this bill contemplated the joinder of two States, it could not be done without the consent of the legislatures of the States concerned, but being Territories we are unrestricted and untrammelled.

SHALL SUPPORT THE PROPOSITION FOR THE STATE OF ARIZONA.

I shall support this bill. It proposes to create the State of Arizona, which, while large in area, is 30,000 square miles less than Texas.

Its population, while insufficient and meager, yet I believe will increase under the stimulus that goes with statehood.

Its resources are not sufficient at this time, but they, I hope, will develop and increase.

In the formation of new States mutual action is required.

The Territory can not force Congress to give the kind of statehood that it may desire.

The people of the Territory petition Congress for statehood.

Congress may refuse it, as it has refused New Mexico for fifty-four years.

Congress may grant statehood and impose the conditions and restrictions.

Congress has never done so for New Mexico or Arizona separately.

After Congress imposes the conditions the people of the Territory asking for statehood may decline to accept the conditions and prefer to retain the Territorial government.

This is the province and privilege of the people of the Territory affected.

We may pass this bill and the constitution authorized to be formed may be rejected by the people of the State.

I am willing to try the experiment.

I believe that it is better to make one grand State than two weaklings.

There is not an inhabitant of the Lone Star State who is not proud that he is a citizen of that imperial Commonwealth, and although there was a reservation in the act of admission, permitting the organization of five States within her geographical limits, yet in sixty years there has been no serious effort made by the people of that State to avail themselves of this privilege.

This bill gives statehood to all the territory in the continental Republic.

#### THE END OF STATE BUILDING.

We have reached, I believe, the end of State building if this bill shall pass. It is probable that no other States will ever be admitted into the Union. We are about to add two new stars, the last, I believe, that will ever be placed on the flag of the Republic.

In the one hundred and thirteen years since we have admitted the first State, we have made a record to all of which we can not point with pride. All will admit that during that time, in the admission of the thirty-two States, there have been some admitted through peculiar political exigencies that were sufficiently weighty with Congress to cause their admission, that could not be admitted now if the proposition was presented to us at this time, disassociated with the political environments and surroundings that then clouded the situation. What mistakes were made can not be unmade.

A State once admitted into the Union is here forever; is here as long as the Republic endures.

If this bill passes, and the people of these Territories avail themselves of its provisions and adopt constitutions that are republican in form, those who come after us will never have cause to criticise us for admitting the States of Arizona and Oklahoma.

Arizona, with her 235,000 square miles of territory, with two Members of Congress and possibilities yet undeveloped, will undoubtedly make not so great a State as Texas or California, but will excel other States that will be her immediate neighbors.

#### OKLAHOMA WILL BE A PEERLESS STATE.

But think of the greatness of the proposed State of Oklahoma! It will contain about 70,000 square miles, somewhat smaller than Kansas or Nebraska, but somewhat larger than Arkansas or Iowa, and about the same size as Missouri.

When its Senators are admitted to this Chamber it will have a million and a half of people and entitled to seven Representatives, instead of five, as provided by this bill.

It will contain a progressive, thrifty, energetic class of citizens, who in a few years will make it one of the great, grand Commonwealths of the Union.

Indian Territory and Oklahoma are entitled to statehood now, at this session of Congress, and no differences on other provisions of this bill should cause this Congress to omit to give statehood to Oklahoma and Indian Territory. It will be a State that will always be a source of pride and gratification to those who have assisted in its making, for from the very day that it is admitted, as long as the Republic shall endure, it will be ready and willing to discharge all the obligations of statehood and do its whole duty in the sisterhood of States.

Mr. FORAKER. Mr. President, I had intended all afternoon to make some remarks on the bill now under consideration, but the hour is so late and in view of requests Senators have made of me, I prefer to speak Monday rather than to go on at this time.

Mr. BEVERIDGE. I do not want to interfere with the Senator from Ohio [Mr. FORAKER], but at the time of fixing a day for voting it was stated and understood that on Monday some Senator on behalf of the committee would be permitted to close the debate. In view of the fact that the court convenes at 2 o'clock on that day and will consume some time, but a very brief time will be left for the committee to close the debate. We have on our side made very few speeches, and, of course, it is the right of the committee—and I know the Senator from Ohio recognizes that fact—to close the debate.

Mr. FORAKER. Certainly. I will state, however, I was not here when that agreement was made.

Mr. BEVERIDGE. That was the agreement.

Mr. BATE. May I say a word?

Mr. FORAKER. If the Senator from Tennessee will allow me—

Mr. BATE. Certainly.

Mr. FORAKER. I have been here all afternoon hoping that I might have an opportunity to speak, but the whole afternoon has been occupied by the other side. I am not in opposition to this bill, but I favor some amendments to it. The amendment that I particularly favor relates to New Mexico and Arizona, and I want to speak in behalf of that amendment. So far as the rest of the bill is concerned, I have no objection.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the entire day Tuesday was to be devoted to the discussion of the amendments.

Mr. FORAKER. I understand; but I want to say to the Senator from Indiana that I do not wish to speak at any very considerable length—perhaps thirty minutes, or possibly an hour if I am interrupted.

Mr. BATE. Mr. President, I desire to say a word right there. I want to say that it was stated when the agreement was made



that the Senator from Ohio desired to speak, and that he would be here and speak to-day. That was understood. I have mentioned it myself once or twice to the Senate. The Senator from Ohio returned yesterday, after an absence of some days, and was prepared to speak to-day, but one on the other side, the Senator from Kansas [Mr. LONG], has occupied the entire day from 2 o'clock until now.

Mr. BEVERIDGE. The Senator from Colorado [Mr. PATTERSON] occupied part of the time.

Mr. BATE. That was an interruption. The Senator from Ohio certainly has the floor and has the right to speak on Monday. We do not want to curtail the opportunity or the time for the Senator from Indiana to conclude the debate on this bill, but the agreement to take the final vote was made with the understanding that those on the other side of this question did not intend to speak. The Senator from Indiana had been over here constantly asking that somebody opposed to the bill should speak, and Senators on our side have spoken. Now, at the very conclusion, when we have got an agreement to vote, and after a Senator on the other side has consumed the entire afternoon, the Senator from Indiana comes in and asks for the balance of the time on Monday. I do not think that is a fair request. I think there ought to be an equal division of the time on Monday between the two sides.

Mr. FORAKER. Mr. President, I should think there would be time enough for the Senator from Indiana to close the debate on Monday after I had occupied an hour. That is as long as I shall wish to speak.

Mr. PATTERSON. There was nothing in the unanimous-consent agreement that gave Monday to the advocates of this measure.

In private conversation, if I may be permitted to refer to it, the most the Senator from Indiana claimed was the right to close the debate, and in speaking upon that subject to me he said something about thirty or sixty minutes.

Mr. BEVERIDGE. Oh, no.

Mr. PATTERSON. Then I take it back, because I will not have any controversy over a personal matter with the Senator from Indiana. So what I said upon that subject may be considered as unsaid. But I am quite within the bounds when I say that nothing was said that would give Monday to either side of this question.

Mr. BEVERIDGE. Upon the contrary, the Senator will find by referring to the Record that it was stated that either the chairman of the committee or some person upon behalf of the committee, as is usual—a right which never has been denied—would expect to close the debate.

Mr. PATTERSON. Nobody is denying it now.

Mr. BEVERIDGE. I should hope the committee would be permitted to close the debate upon Monday. For a great many weeks this debate has continued here, and until within the last few days there has been but one speech made in support of the bill. The opposition to the bill has had a monopoly of the time for four or five weeks. We have had only four or five days, and I am surprised that any person should suggest that the committee, no matter if we had divided the time equally heretofore, but especially under the circumstances, ought not to be allowed the right to close the debate.

Mr. BATE. Everybody concedes it.

Mr. BEVERIDGE. Everybody concedes it?

Mr. BATE. I say it is conceded. We are not here disputing that the right to close the debate is with the Senator or whoever he chooses to have close it, but we want to have a fair division of the time.

Mr. BEVERIDGE. A fair division of the time. Yesterday might have been taken up by the Senator from Ohio. If it had not been for the interruptions of the Senator from Colorado [Mr. PATTERSON], who not only asked questions, but interjected lengthy and I will say forcible speeches into the speech of the Senator from Kansas [Mr. LONG], there would be abundant time now. No person has been shut out of an opportunity here. I simply claim for the committee what I understand from older Senators has been the universal right in this body, that the committee or some person on behalf of the committee shall have the right to close the debate. Even in the debate on the unanimous-consent agreement, and this confirms what I say the Record will disclose, it was stated that the debate shall close on Monday. It was suggested, by the Senator from Texas I believe, that we should give both Monday and Tuesday to consideration of the amendments, and then after a little further discussion, in which the Senator from Maryland [Mr. GORMAN] participated, and also the Senator from Colorado [Mr. PATTERSON], it was said, "No; we will give Monday to closing the debate, and Tuesday, after the reading of the Journal, we shall begin to consider amendments, debate them,

and vote on them." That is included in the agreement that Monday should close the debate.

Mr. PATTERSON. The Senator from Indiana will hardly contend that when it is agreed by general consent that the debate shall close at the end of a certain legislative day it means that the friends or the opponents of a measure are to have that entire day. I have never before heard that suggested, and simply because we are here now asking that one of the eminent Senators of this body, or more if they should desire to make short addresses, may occupy a part of that day, giving to the Senator from Indiana the right to close, the Senator from Indiana is talking about the right to close and that we are denying to him that right. It is an absurdity upon its face.

The legislative day commences at 12 o'clock. There is no limit to the end of the legislative day, and as this very interesting question is about to be disposed of, if it be required that that session should continue until 6 or 7 o'clock in order that the Senator from Indiana may close the debate, there is not a Senator here who would be heard to object. So there is no reason why the extraordinary position that is assumed by the Senator from Indiana should be taken upon this very plain proposition, made in the best of faith. Now, then, I would suggest—

Mr. BEVERIDGE. The Senator will permit me?

Mr. PATTERSON. One moment.

Mr. BEVERIDGE. When you get through.

Mr. PATTERSON. I suggest that the session commence on Monday at 11 o'clock, and if it becomes necessary there can be a very, very long session.

Mr. BEVERIDGE. It is not necessary.

Mr. FORAKER. I wish to inquire what has become of my request?

The PRESIDENT pro tempore. What was the request of the Senator from Ohio?

Mr. FORAKER. I requested that I be allowed to proceed with the remarks I desire to make on the statehood bill on Monday instead of this afternoon. But inasmuch as there was objection to that, I sent a messenger after my notes and made a chase for them myself and have now returned. I now have everything here, although somewhat in confusion, and I can go on if that is the desire.

I recognize the right of the Senator from Indiana to close the debate on Monday, and I do not want to interfere with that right.

Mr. BEVERIDGE. The Senator from Ohio will understand that I have no desire to compel him to speak to-day if he does not wish to do so. All I was calling the Senator's attention to, as the Record will show, was the fact that it was generally understood here, and it was stated in the discussion concerning the fixing of the time of closing the debate, that debate should be closed on Monday. That is in the agreement, and the statement was made, and it was universally understood, that the committee, or some one for the committee, would close the debate Monday. That was all.

Mr. FORAKER. If no such statement had been made, I should have regarded that as the right of the Senator.

Mr. BEVERIDGE. Of course, and upon that statement, that the Senator recognizes the right, no doubt there could have been some agreeable arrangement between the Senator and me for the committee by which the Senator would have spoken on Monday instead of now, if he so desired, and by which the committee might also have had ample time in which to close the debate. I see no reason now why that arrangement should not now be made, the Senator speaking in the morning hour Monday, or if the Senator—

Mr. PATTERSON. I should like to ask the Senator from Indiana a question. It is a matter that ought to be cleared up now, in the event of future unanimous-consent agreements. Is it the understanding of the Senator from Indiana that when in a unanimous-consent agreement it is said debate will close on a certain day, the debate to be closed by the proponents or opponents of a measure, the one side or the other shall consume that entire day? Is that the understanding of the Senator from Indiana with respect to such a unanimous-consent agreement?

Mr. BEVERIDGE. Mr. President, I want to be entirely courteous to the Senator from Colorado. I understand this to be the case. I should not think so. I think when the day came for the closing of the debate, at the time when the unfinished business was laid before the Senate, some person on behalf of the committee would rise and address the Senate until that person had concluded his remarks. It might be an hour; it might be two hours; it might be thirty minutes. After that the time of the Senate, of course, would be at the disposal of the Senate. Any other Senator might speak if he desired; but even so, some one should even then close for the committee.

Mr. PATTERSON. Oh!

Mr. BEVERIDGE. But if a Senator from the other side should take on that day an hour or an hour and a half or two hours, there would be no time left. And in any event some one should make the final speech for the committee after all speeches are made. But why not arrange for the Senator from Ohio to go on Monday?

Mr. FORAKER. If I am to speak at all this afternoon, I should like to be permitted to proceed.

Mr. ALLISON. I wish the Senator from Ohio would yield to me for a moment.

Mr. FORAKER. Certainly.

Mr. ALLISON. I have been present a great many times when unanimous-consent agreements have been made, and also when the intimation had been given privately—for I think it has never entered into the public arrangement—that those having the measure in charge should close the debate. I do not understand the Senator from Indiana to contend at all that the whole day is to be devoted to that purpose. I was not present when this agreement was entered into, but if I understand the scope of it, it is that the last day shall be devoted to ten-minute speeches and to voting on amendments.

Mr. PATTERSON. That is Tuesday.

Mr. ALLISON. On Monday, so far as we now know, we will meet at 12 o'clock. We will meet as a court at 2 o'clock. I think very likely the business of the court will be brief. I hope it will be, in view of the unanimous-consent agreement that we now have.

I suggest that on Monday the unfinished business be taken up in the morning hour after the ordinary routine business, and that it shall be proceeded with, only interrupted by the meeting of the court, until the day is ended. I hope that it will end at least by 6 o'clock.

Mr. BEVERIDGE. May I ask what the suggestion was?

Mr. ALLISON. I had not quite finished it. I think that being so, there will be ample time for the Senator from Ohio, if he does not wish to go on this evening, to say all he desires to say, and it will also give time for those who favor this measure to close the debate.

So, Mr. President, I hope unanimous consent will be given that the Senator from Ohio may proceed on Monday, and that we shall take up this question immediately after the routine morning business on that day.

Mr. BEVERIDGE. After conference with the Senator from Ohio I was myself about to make that very request.

Mr. ALLISON. Very well.

Mr. BEVERIDGE. And not only that, but if the convenience of the Senate or of the Senator from Ohio would be accommodated, that he should go on at 2 o'clock instead—whichever will at the time be most agreeable to him. After he gets through some one on behalf of the committee will close the debate.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be taken up for consideration immediately after the conclusion of the morning business on Monday. Is there objection? The Chair hears none, and that order is made.

Mr. FORAKER. I understand I have the floor.

The PRESIDENT pro tempore. The Chair will recognize the Senator at that time.

Mr. FORAKER. By virtue of the unanimous-consent agreement?

Mr. BEVERIDGE. That is right.

Mr. BAILEY. Of course I did not interrupt the arrangement and would not have done so, but it occurs to me, while there is no majority and minority on this bill divided by political lines, it might happen that somebody over on this side would desire to make a speech. Of course if the Committee on Territories feel that three or four hours are required for them to close the debate, I should recognize their right to have the time. But I simply want to serve notice that if that happens to be the case, when we enter upon the debate under the fifteen-minute rule on Tuesday I shall prefer a request to the Senate to be permitted to proceed for at least twenty minutes sometime during the course of the debate.

Mr. President, if it is in order—and I do not know that the custom of the Senate permits a Senator to prefer a request of that kind—

Mr. ALLISON. It does, and I have no doubt it will be granted.

Mr. BAILEY. Then there will be no trouble about my finding an opportunity to say all I desire to say.

Mr. BEVERIDGE. I suggest that I do not think there will be the slightest trouble about Senators who desire to speak on either side making such an arrangement as will appeal to the good sense of the Senate.

Mr. BAILEY. I do not know positively that I shall want to occupy even twenty minutes.

Mr. President, if it is in order now, I want to enter a motion to strike out, on page 6, the fifth provision, which reads:

That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

I move to strike that out, it is useless for me to say, because it is in the very words of the fifteenth amendment to the Constitution, and no State could enact any law of that kind independently of this provision.

I also desire to enter a motion to strike out, on page 5, beginning with the word "that," in line 23, and including all the remainder of the paragraph down to and including the word "use," in line 4, on page 6. The matter which I propose to strike out is as follows:

That land belonging to citizens of the United States residing without the limits of said State shall never be taxed at a higher rate than the land belonging to residents thereof; that no taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use.

I make that motion for practically the same reason that induced me to make the other. The State could not, without reference to that limitation on its power, lay a different or higher rate of taxation upon the property of a citizen of another State than it levies upon the property of citizens of its own; and, of course, there can be no kind of difference about the fact that no State can impose a tax upon Federal property. That question has been considered and decided by the Supreme Court.

I understand perfectly well that it may be contended that these provisions do no harm, if they deny the State a power which it would not possess even without their insertion in the constitution, but they at least encumber that instrument, and the practice of writing into constitutions in this country, both State and Federal, unnecessary matter is a bad one. If I had my way I would make every constitution of every State in this Union short enough so that every intelligent schoolboy could memorize it within a reasonable time.

Mr. KEAN. Then the Senator would copy the constitution of the State of New Jersey.

Mr. BAILEY. There was at one time some question in this country probably as to the power of the State of Arkansas, we will say, to lay a higher tax upon land belonging to a citizen of Texas than she laid upon land belonging to her own people, but whatever doubt there was about that matter has disappeared through the adjudication of the court.

I do not myself distinctly recall that that precise question has ever been presented to the Supreme Court of the United States, but I know the Supreme Court of the United States has decided in a Maryland case that no State in this Union can exact a higher license fee from citizens of other States than she exacts from her own citizens; and I well remember that in that case the court declared that it was one of the rights and privileges and immunities for the citizens of New Jersey, of which State I believe the defendant in that case was a citizen, to acquire and hold real estate and other property in the State of Maryland, and it was not permissible for the State of Maryland to lay greater burdens upon their ownership than it laid upon the ownership of her own people.

This is simply copied from constitutions that were adopted probably seventy years ago, before that question arose, and before it was adjudicated by the court, for as I now recall this Maryland case was decided in the early seventies. A provision similar to this, as I remember it, is in the constitution of the State of Arkansas, admitted in 1836. It is reproduced, probably, in the constitution of Wisconsin, or in the enabling act for Wisconsin. But it is time that the Senate of the United States should cut out this unnecessary matter in enabling acts. It is calculated to mislead men if it remains. A citizen of the new State, taking up this enabling act and finding the legislature of that Commonwealth forbidden to do certain things, would naturally, and, as I think, properly, infer that without this prohibition that power would reside in the State. There are in several instances matters of this kind in the bill which I hope the committee will agree may go out. Such matter has no excuse for being in, except that the committee are following a bad precedent.

Another amendment which I desire to propose at this time is to strike out, on page 4, line 6, beginning with the word "and" and all that follows down to and including the word "ten," in line 8. The matter to be stricken out is this:

And shall not be changed therefrom previous to anno Domini nineteen hundred and ten.

This relates to the location of the capital of the State of Oklahoma. I object to the Federal Congress locating the capital of that State for four years or four months or four hours be-



yond the time when those people acquire their sovereignty. It is the custom in some States to fix the capital, and even other State institutions, in the constitution when they frame it. I believe that is the case in one of the Dakotas—that they fixed their capital in the constitution—and they have had less trouble over the location of their public buildings in that way than almost any of their neighbors there.

The location of a capital, like the location of a county seat, produces more bad blood among good neighbors than any kind of a controversy that can be provoked. But still I do not think it the province of Congress to spare those people the responsibility, because in doing so you deny them the right to locate that capital precisely where they choose to have it located. If it is thought best and wisest to locate it temporarily until the new State shall in its own way prescribe a different location, it is perhaps well to do so, but that is as far as the Congress ought to go. I am not as familiar with these enabling acts as I ought to be, but I venture to say that it has not been usual heretofore to fix, for a term of years, the capital of a State to be admitted. And I can see no good reason for departing from the usual, and as I think, the better practice. I believe we have done all that the citizens of Guthrie, or the other people living elsewhere in Oklahoma who might prefer that city for their capital site, could ask or expect of us when we locate it there until and only until the people of that State, when admitted as such, see fit to change it.

It appears to me indefensible that sitting here, removed from those people, not responsible to them nor amenable to their power, we should usurp the function which belongs to them.

If the Senate of the United States should locate the capital of that new State at the most inaccessible point they would be powerless to punish a Senator here. We are not responsible to them. They can not reach us if we mistake their interest or defy their will. Therefore we ought to do no more for them than the necessity of this case requires.

I sincerely hope that we may leave this to people in that new and splendid State, and it is to be one of the greatest in the sisterhood in time. I myself do not want to see the two Territories united, but I recognize that that will perhaps be the decision of the Senate; and when they are joined there is not one among the older Commonwealths richer by nature than this new State. My own opinion is that the Indian Territory and the section which is excluded from the advantage of the capital under the provisions of the bill is the richest spot of earth under the American flag to-day for the size of it. It is one of the few places on this continent that possesses almost every kind of wealth—coal in great abundance and of excellent quality, iron, I believe the greatest granite bed on earth, oil, asphalt, and all kinds of mineral wealth produced in any other section. And over these richest treasures in the earth there is the most fertile of all soils, producing more abundantly those great products which contribute to the comfort, the health, and the pleasure of the human race than almost any other spot of equal size.

I know that the people who inhabit it are worthy of such a land. They gathered there from every quarter of this Republic, but most of them have gone from the State which I have the honor in part to represent. I know what they did for us; I know what they and their children will do for this new Commonwealth; and I protest that they shall have the right to be heard in the immediate selection of the place where they shall have located the most important office of the State.

#### EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until Monday, February 6, 1905, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate February 4, 1905.*

##### POSTMASTERS.

##### CALIFORNIA.

Frank B. Elwood to be postmaster at Alhambra, in the county of Los Angeles and State of California. Office became Presidential January 1, 1905.

John P. Swift to be postmaster at Marysville, in the county of Yuba and State of California, in place of Emma Hapgood. Incumbent's commission expired March 31, 1904.

##### GEORGIA.

J. B. Dunagan to be postmaster at Jefferson, in the county of Jackson and State of Georgia. Office became Presidential January 1, 1905.

##### ILLINOIS.

Nehemiah J. Knipple to be postmaster at Buda, in the county of Bureau and State of Illinois, in place of Nehemiah J. Knipple. Incumbent's commission expired December 20, 1904.

##### INDIANA.

Burr M. Harris to be postmaster at Gas City, in the county of Grant and State of Indiana, in place of George S. Harris, resigned.

##### IOWA.

Eugene M. Crosswait to be postmaster at Earlham, in the county of Madison and State of Iowa, in place of Eugene M. Crosswait. Incumbent's commission expires February 4, 1905.

Matthew Richmond to be postmaster at Armstrong, in the county of Emmet and State of Iowa, in place of Matthew Richmond. Incumbent's commission expired January 3, 1904.

##### LOUISIANA.

Nannie O. Hamilton to be postmaster at Pollock, in the parish of Grant and State of Louisiana, in place of Nannie O. Hamilton. Incumbent's commission expired January 29, 1905.

Charles W. Lyman to be postmaster at Rayne, in the parish of Acadia and State of Louisiana, in place of Romanta T. Hart, removed.

##### MARYLAND.

John C. Bartindale to be postmaster at Otterbein, in the county of Benton and State of Maryland. Office became Presidential July 1, 1904.

##### NEW YORK.

George A. Cotton to be postmaster at Depew, in the county of Erie and State of New York, in place of George A. Cotton. Incumbent's commission expires February 22, 1905.

Judson S. Wright to be postmaster at Tully, in the county of Onondaga and State of New York. Office became Presidential January 1, 1905.

##### NORTH CAROLINA.

James B. Winders to be postmaster at Warsaw, in the county of Duplin and State of North Carolina. Office became Presidential January 1, 1905.

##### OKLAHOMA.

Joseph A. Randolph to be postmaster at Waukomis, in the county of Garfield and Territory of Oklahoma, in place of Joseph A. Randolph. Incumbent's commission expired December 20, 1904.

##### SOUTH DAKOTA.

Sherman F. Lucas to be postmaster at Bonesteel, in the county of Gregory and State of South Dakota. Office became Presidential January 1, 1905.

##### TEXAS.

Joseph Folm to be postmaster at Hondo, in the county of Medina and State of Texas. Office became Presidential January 1, 1905.

J. M. Musser to be postmaster at Seymour, in the county of Baylor and State of Texas, in place of Elmer L. Stevens. Incumbent's commission expired December 20, 1904.

William L. Rogers to be postmaster at Conroe, in the county of Montgomery and State of Texas, in place of William L. Rogers. Incumbent's commission expired December 20, 1904.

Henry L. Sands to be postmaster at Alvord, in the county of Wise and State of Texas. Office became Presidential January 1, 1905.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 4, 1905.*

##### CONSUL.

George E. Anderson, of Illinois, now consul at Hangchow, to be consul of the United States at Amoy, China.

##### SUPERINTENDENT OF MINT.

Frank M. Downer, of Colorado, to be superintendent of the mint of the United States at Denver, Colo.

##### ASSAYER.

Arthur R. Hodgson, of Colorado, to be assayer of the mint of the United States at Denver, Colo.

##### MELTER.

Joseph W. Milson, of Colorado, to be melter and refiner of the mint of the United States at Denver, Colo.

## POSTMASTERS.

## ALABAMA.

George R. Lewis to be postmaster at Bessemer, in the county of Jefferson and State of Alabama.

## HAWAII.

George Desha to be postmaster at Hilo, Hawaii Island, Hawaii.

## OHIO.

Benjamin F. Jackson to be postmaster at Clyde, in the county of Sandusky and State of Ohio.

## TEXAS.

John C. McBride to be postmaster at Woodville, in the county of Tyler and State of Texas.

Lafayette Sharp to be postmaster at San Augustine, in the county of San Augustine and State of Texas.

## UTAH.

Simon P. Dillman to be postmaster at Vernal, in the county of Uinta and State of Utah.

## PROTECTION OF TRADE-MARKS.

The injunction of secrecy was removed February 4, 1905, from a declaration for the effective protection of trade-marks, signed at The Hague on December 27, 1904, by the representatives of the United States and the Duchy of Luxemburg.

## HOUSE OF REPRESENTATIVES.

SATURDAY, February 4, 1905.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

JACOB F. FRENCH.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution, which I will send to the desk and ask to have read.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring). That the President be requested to return the bill (H. R. 3286) entitled "An act granting an increase of pension to Jacob F. French."*

The SPEAKER. Is there objection to the present consideration of the concurrent resolution which the Clerk has just read?

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would inquire the reason for it?

Mr. SULLOWAY. Mr. Speaker, the bill has passed the House and the Senate, and the beneficiary is dead. The purpose of the resolution is to recall the bill from the President.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

## REPRINT OF REPORT ON NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I ask unanimous consent for a reprint of the report on the naval appropriation bill with corrections.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

## CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the following bills, and the same were referred to the Committee on Pensions:

S. 3934. A bill granting an increase of pension to Susan E. Bellows;

S. 3349. A bill granting an increase of pension to Morgan Dwyer; and

S. 3194. A bill granting an increase of pension to Stephen Gilbert.

PHILIP LAWOTTE.

The SPEAKER laid before the House the bill (S. 5734) granting a pension to Philip Lawotte, with a House amendment.

The House amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House do further insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama.

FLORENCE O. WHITMAN.

The SPEAKER laid before the House the bill (S. 5947) granting an increase of pension to Florence O. Whitman, with a House amendment.

The amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House do further insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama.

ANNE E. WILSON.

The SPEAKER laid before the House the bill (S. 6152) granting an increase of pension to Anne E. Wilson, with a House amendment.

The amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House do further insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama.

## DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18468) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906.

Mr. WILLIAMS of Mississippi. Mr. Speaker, before that motion is put I desire to reserve all points of order.

The SPEAKER. Points of order were reserved on the bill when it was reported. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18468, the diplomatic and consular appropriation bill, with Mr. FOSTER of Vermont in the chair.

Mr. MADDOX. Mr. Chairman, I would ask the chairman of the committee how long it will take to pass this bill? When do you propose to vote on this bill?

Mr. HITT. As soon as we get to the end of the bill.

Mr. MADDOX. How long will that take?

Mr. HITT. I suppose it might take half an hour; whether it will take longer or not I do not know. Mr. Chairman, I move to dispense with the first formal reading of the bill, and after general debate that it be taken up by paragraphs.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HITT. Mr. Chairman, the gentleman from Georgia [Mr. HOWARD] and myself can easily agree upon the time necessary for general debate. How much time do you think you will require—thirty minutes?

Mr. HOWARD. Thirty minutes is satisfactory on this side.

Mr. HITT. Thirty minutes is requested by the gentleman from Georgia, and I will reserve that much time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate be limited to one hour, one-half to be controlled by the gentleman from Illinois and one-half to be controlled by the gentleman from Georgia [Mr. HOWARD]. Is there objection? [After a pause.] The Chair hears none.

Mr. HITT. Will the gentleman from Georgia yield his time to his friends?

Mr. HOWARD. I yield twenty minutes to the gentleman from Florida [Mr. LAMAR].

Mr. LAMAR of Florida. Mr. Chairman, at this time I shall seek to show that Congress has the right to legislate upon the subject of railway rates and abuses, and to delegate the power if it sees fit to do so, and the present urgent necessity of remedial legislation. When the discussion comes upon the particular bills reported from the Committee on Interstate Commerce, I shall discuss, if I have the time, the merits and demerits of those bills.

It may be well just here to define the meaning of two words, as I understand them, that are now in the mouths of some people and in the columns of some newspapers. Those words are "conservative" and "radical." So far as this railway-rate discussion goes, I will divide the "conservatives" into four



classes: (1) A railroad president, or other high official, who by virtue of his salary or his environments is interested to such an extent in perpetuating existing unjust and unreasonable railway rates, passenger and freight, as not to make him or them a disinterested witness in discussing the rate question. (2) Eminent railroad lawyers, who by virtue of high salaries are also not disinterested witnesses, and whose voices in protest against a reduction of railway rates are mere echoes of the voices of the railway presidents. (3) Newspapers whose stock is entirely owned, or largely owned, by railway or trust interests, and whose editorials merely reflect the voices of the railway owners. (4) Public officials indifferent to the interest of the small shippers, the producers, and consumers of the country, or obtuse to the extent that they can not comprehend the just interests and rights of such shippers, producers, and consumers.

I shall divide the definition of a "radical" into those embraced in two classes: (1) A small shipper, a producer, a consumer, upon whose business and earnings falls the crushing and disastrous weight of unreasonable, extortionate railway-rate charges, the iniquitous device of rebates, private car lines, and terminal fees and charges. And these "radicals"—so termed by railway interests—desire to rest in the Interstate Commerce Commission the power to revise and fix reasonable railway rates and correct all other railway abuses. (2) A public official who knows the rights and wrongs of the small shippers, the producers, and consumers, and desires by his vote and support to maintain the first and to right the latter. Among these "radicals," if such they be, I class myself.

Mr. Chairman, I desire to read a clipping taken from the columns of a daily newspaper:

CRITICISES ROOSEVELT—EX-COMPTROLLER ECKELS SNEERS AT BROKEN-DOWN MEN SUPERVISING THE RAILROADS.

CHICAGO, January 31.

James H. Eckels, president of the Commercial National Bank, said to-day of the President's Philadelphia speech on Government regulation of railroads:

"The difficulty of the position which the President takes is this: He assumes that the men who have acquired wealth through their own ability and business sense are going to use that wealth for the destruction of the general prosperity of the people. This assumption is not warranted by the facts as they exist, and it is safe to say that if you place it on no higher grounds than the enlightened selfishness of the business men they will not use either that wealth or that power which comes by reason of it, in any other manner than will cause additional greater general prosperity.

"It is enough to talk about Federal and State control of great business undertakings when those who are charged with the duty of controlling them, through Federal or State appointments, are of sufficient business ability and business experience to fit them for such supervision.

"As long as such commissions as the Interstate Commerce Commission and kindred commissions are made up of broken-down and discredited men it is safe to say that the general business of the country is safer in the hands of the men who own the properties and have the business experience to conduct them rather than to place it in the hands of such commissions."

I do not know if Mr. Eckels is properly quoted. If he is, his remarks do little credit to his head or his heart. It scarcely becomes a bank president, respectable as his position is, to criticise the intelligence of the President of the United States. Especially one to whom his severest critics extend the credit of unusual capacity for public affairs. I have my own differences of opinion on public matters with the President; but I should not think of charging him with a lack of discernment or intelligence. Nor does the sneer leveled against the Interstate Commerce Commissioners, if he uttered it, reflect any credit upon the good taste of the bank president. The country at large, Mr. Chairman, in my opinion, holds the members of the Interstate Commerce Commission in the highest esteem for their capacity, for the duties assigned to them, or to be assigned to them by law, and for the honesty and efficiency with which they have performed their public duties. The country at large owes the members of that Commission a debt of gratitude for their exposure of wrong in many quarters. And that same public has a very correct suspicion that their efficiency and honesty in the discharge of their duties has brought down on their heads the criticism now heard against them by those, and their allied sympathizers, whose unlawful acts and measures have been checked by the Commission.

I desire to show upon this occasion that (1) Congress has the power in itself to fix all the railway rates in America, passenger and freight, if he chooses to do so. (2) This power is subject only to the limitation that the rates so fixed by Congress must not be confiscatory; that they must not amount to taking property without just compensation. (3) That Congress has the power to delegate the right to fix railway rates to an administrative, executive, or ministerial tribunal. (4) That a great public necessity now exists in the country to enlarge the power of the Interstate Commerce Commission by delegating to it the

power to revise and fix railway rates. This necessity is shown (a) by the repeated declarations of a great political party, the national Democratic party; (b) by the petitions and recommendations of over 500 commercial, mercantile, and agricultural organizations in the United States; (c) the recommendation of President Roosevelt that Congress act upon this railway-rate question as to excessive charges and kindred abuses; (d) the repeated and insistent recommendations of the Interstate Commerce Commission that Congress correct by appropriate legislation excessive railway-rate charges and all kindred abuses of railways. (5) That the wages of railway employees did not depreciate under the assumed power of the Interstate Commerce Commission to fix rates, from 1887 to 1897, and that the conferring of such power at this time upon the Commission to revise and fix rates will not lower the wages of employees. (6) That there is an intimate and essential relation between railway rates and the capital invested in railroads, and that 25 or 50 per cent of the capital of the railroads in America is fictitious—"wind and water"—and that the earning compensation upon such fictitious capital by the railways through excessive and unjustly high railway rates is a fraud upon the traveling and shipping public, and that those excessive charges are a heavy and an unjust tax upon the skill and industry and earnings of the producer and consumer and the small shipper. (7) That railway construction was not retarded during the years 1887 to 1897 by the supposed possession of the Interstate Commerce Commission of the rate-revising and rate-fixing power except as it was affected by the results of the panic of 1893.

ARGUMENT.—1. CONGRESS HAS THE POWER TO FIX RATES.

Congress has power to constitute tribunals inferior to the Supreme Court (Cons. U. S., sec. 8, cl. 9), and to regulate commerce with foreign nations and among the several States (Cons. U. S., sec. 8, cl. 3, art. 1).

Transportation between States by railroad is "commerce among the States." *Wabash, St. Louis and Pacific Railroad Company v. Illinois* (118 U. S., 557). "Railroad companies are instruments of commerce, and their business is commerce itself." *United States v. Trans-Missouri Freight Association* (166 U. S., 290). To the same point, see *Mobile and Ohio Railroad Company v. Sessions* (28 Fed. Rep., 592), where authorities are collected.

Congress has plenary power to prescribe the rule by which commerce among the several States is to be governed. *Interstate Commerce Commission v. Brimson* (154 U. S., 447).

It is obvious that the Federal Government, in regulating commerce among the States, may use means that may also be employed by a State in the exercise of its acknowledged powers. *Gibbons v. Ogden* (9 Wheat., 204). It is not doubted that Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish, and to descend to the most minute directions, if it shall be deemed advisable. *Cooley, Const. Lim.*, 732, quoted with approval by Mr. Justice Field in the case of *Gloucester Ferry Company v. Pennsylvania* (114 U. S., 196).

The power of Congress to fix rates on the interstate business of railroads would seem to be expressly provided for in the commerce clause of the Constitution. Report of Committee on Reasonable Rates (3d Ann. Conv. of Railroad Commissioners, 56).

The Union Pacific Railroad Act (12 Stat., 497, sec. 18) provides that under certain conditions Congress may reduce the rates of fare on the Union Pacific Railroad, if unreasonable, and fix and establish the same by law.

"What one sovereign (the State) may do in respect to matters within its exclusive control, the other (the United States) may certainly do in respect to matters over which it has exclusive authority." *Kentucky and Indiana Bridge Company v. Louisville and Nashville Railroad Company* (37 Fed. Rep., 567). This decision was rendered by Judge Jackson, who subsequently became a member of the United States Supreme Court.

The making and fixing of railroad rates is a legislative and not a judicial function. *Granger cases* (94 U. S., 113-187); *Chicago, Milwaukee and St. Paul Railroad Company v. Minnesota* (134 U. S., 418); *Reagan v. Florida, Louisiana and Texas Company* (154 U. S., 362); *Interstate Commerce Commission v. Cincinnati, New Orleans and Texas Pacific Railroad Company* (167 U. S., 479).

The uses of railroad corporations are public, and therefore they are subject to legislative control in all respects necessary to protect the public against danger, injustice, and oppression. *New York and New England Company v. Bristol* (151 U. S., 556). The State does not lose the right to fix the price because an individual voluntarily undertakes to do the public work. *Budd v. New York* (143 U. S., 517).

## 1a. RAILROADS ARE HELD AS PUBLIC HIGHWAYS.

Railroads are public highways and must serve the public on the pain of forfeiting domain and franchise. *Beekman v. Saratoga, etc., Railroad Company* (3 Paige, 45, 76); *Camblos v. Philadelphia and Reading Railroad Company* (4 Brewster (Pa.), 503, 597).

"It has been too often held that railways were public highways, and that their functions were those of the State, though their ownership was private, and that they were subject to control for the common good, to be now open to question." *Louisville and Nashville Railroad Company v. Kentucky* (161 U. S., 677). See authorities cited there.

## 2. THE POWER OF CONGRESS TO FIX RATES, EITHER DIRECTLY OR INDIRECTLY, MUST BE SO USED AS NOT TO RESULT IN CONFISCATION OF PROPERTY.

"If the company is deprived of the power of charging reasonable rates for the use of its property, and such deprivation takes place in the absence of a judicial investigation, it is deprived of the use of its property, and, in effect, of the property itself without due process of law and in violation of the Constitution of the United States." *Chicago, Milwaukee and St. Paul Railroad Company v. Minnesota* (134 U. S., 418). Legislatures can not compel the doing of services without reward. *Budd v. New York* (143 U. S., 517). It is not the province of a court to determine whether one rate is preferable to another, but it is its duty to inquire whether a body of rates prescribed by legislature or commission is unreasonable. *Reagan v. Florida, Louisiana and Texas Company* (154 U. S., 362).

Where rates are wholly inadequate for keeping the road in proper repair and for earning dividends they are unreasonable, and the act making them is unconstitutional. *Covington and Louisville Turnpike Railroad Company v. Sandford* (164 U. S., 578). A schedule of rates fixed by a Nebraska statute was held to be unreasonable in that it did not yield a just compensation to the carriers and deprived them of property without due process of law and of the equal protection of the laws. *Smyth v. Ames* (169 U. S., 466).

It is not within the power of the State, directly or indirectly, to put in force a schedule of rates, when the rates prescribed therein will not pay the cost of service. *Chicago, Milwaukee and St. Paul Railroad Company v. Becker* (35 Fed. Rep., 883).

In *Pensacola and Atlantic Railroad Company v. Florida* (25 Fla., 310) the court refused to enforce judgment for penalties under the State commission act for noncompliance with tariffs of rates, because it was admitted by the pleadings that the railroad would not have earned expenses of operation under the prescribed tariffs.

## 3. CONGRESS CAN DELEGATE THE POWER TO FIX RATES TO AN EXECUTIVE, MINISTERIAL, OR ADMINISTRATIVE BODY.

The decisions are uniform in declaring that statutes creating railroad commissions and giving them the power to fix rates are not unconstitutional as delegating a legislative power which belongs only to the legislature itself. (8 Am. & Eng. Ency. of Law, 911, and authorities there cited.)

The constitutionality of the act to regulate commerce was affirmed in *Kentucky and Indiana Bridge Company v. Louisville and Nashville Railway Company* (37 Fed. Rep., 567) and in *Re Brimson* (154 U. S., 447).

Whatever a State may do in the regulation of commerce within its borders Congress may do in regulating interstate commerce, *Kentucky and Indiana Bridge Company case*, supra, and *Ames v. Union Pacific Railroad Company* (64 Fed. Rep., 165).

That Congress is constitutionally empowered to clothe the Interstate Commerce Commission with much greater authority than is now conferred upon it, even to the extent of fixing rates, is plainly indicated in the *Maximum Rate case*. (167 U. S., 479.) Congress may, in its discretion, employ any appropriate means, not forbidden by the Constitution, to carry into effect and accomplish the objects of a power given to it by the Constitution, *Brimson case*, supra.

The making and fixing of rates by either a legislature directly or by a commission do not make a deprivation of property without due process of law. (*Munn v. Ill.*, 94 U. S., 113; *Davidson v. New Orleans*, 96 U. S., 97; *Stone v. F. L. & T. Co.*, 116 U. S., 307; *Dow v. Beidelman*, 125 U. S., 680; *Minneapolis & St. L. R. Co. v. Beckwith*, 129 U. S., 26, and cases cited; *Budd v. New York*, 143 U. S., 517; *N. Y. & N. E. R. Co. v. Bristol*, 151 U. S., 556; *Reagan v. F. L. & T. Co.*, 154 U. S., 362.)

In the *Bristol case* (151 U. S., 556) it was held that a State has power to exercise control over corporations through boards of commissioners, nor are corporations deprived of property without due process of law, by statutes under which the result is ascertained "in a mode suited to the nature of the case."

No valid reason is seen for doubting or questioning the au-

thority of Congress, under its sovereign and exclusive power to regulate commerce among the several States, to create commissions having the same control over interstate railway traffic as State commissions have over interstate railway traffic. (See *Ky. and Ind. Bridge Co. v. L. and N. R. Co.*, 37 Fed. Rep., 567.)

## 4. CONDITIONS AT PRESENT REQUIRE THAT CONGRESS SHALL GRANT THE POWER TO A COMMISSION OF FIXING A REASONABLE RAILWAY RATE, UPON COMPLAINT AND AFTER HEARING IN A PARTICULAR CASE, OR UPON ITS OWN INITIATIVE, FOR THE FUTURE—TRUSTS AND POOLS.

[Declaration from Democratic platform, 1896.]

The absorption of wealth by the few, the consolidation of our leading railroad systems, and the formation of trusts and pools require a stricter control by the Federal Government of those arteries of commerce. We demand the enlargement of the powers of the Interstate Commerce Commission, and such restriction and guaranties in the control of railroads as will protect the people from robbery and oppression.

[Declaration from Democratic platform, 1900.]

## CORPORATE INTERFERENCE IN GOVERNMENT.

Corporations should be protected in all their rights and their legitimate interests should be respected, but any attempt by corporations to interfere with the public affairs of the people, or to control the sovereignty which creates them, should be forbidden under such penalties as will make such attempts impossible.

## INTERSTATE COMMERCE COMMISSION.

We favor such an enlargement of the scope of the Interstate Commerce law as will enable the Commission to protect individuals and communities from discriminations and the public from unjust and unfair transportation rates.

[Declarations from Democratic platform, 1904.]

## TRUSTS AND UNLAWFUL COMBINES.

Individual equality of opportunity and free competition are essential to a healthy and permanent commercial prosperity, and any trust, combination, or monopoly tending to destroy these by controlling production, restricting competition, or fixing prices should be prohibited and punished by law. We especially denounce rebates and discrimination by transportation companies as the most potent agency in promoting and strengthening these unlawful conspiracies against trade.

## INTERSTATE COMMERCE.

We demand an enlargement of the powers of the Interstate Commerce Commission, to the end that the traveling public and shippers of this country may have prompt and adequate relief for the abuses to which they are subjected in the matter of transportation. We demand a strict enforcement of existing civil and criminal statutes against all such trusts, combinations, and monopolies, and we demand the enactment of such further legislation as may be necessary to effectually suppress them.

Any trust or unlawful combination engaged in interstate commerce which is monopolizing any branch of business or production should not be permitted to transact business outside of the State of its origin. Whenever it shall be established in any court of competent jurisdiction that such monopolization exists, such prohibition should be enforced through comprehensive laws to be enacted on the subject.

## PETITIONS OF OVER 500 INDUSTRIAL BODIES.

The appeals for prompt enactment by Congress of this remedial legislation have been numerous and strong. Action has been urged by messages of the President to Congress, by the report of the Industrial Commission, by reports of the Interstate Commerce Commission, by concurrent resolutions and petitions from eight State legislatures, by the National Association of State Railway Commissioners, and by resolutions adopted by over 420 of the leading commercial and industrial associations of the United States, comprising about 1,000,000 shippers and receivers of freight, such as the National Grange Patrons of Husbandry and seventeen of its State granges, the Grain Dealers' National Association and its numerous State bodies, the National Board of Trade, the National Live Stock Association, the National Hay Association, the National League of Commission Merchants, Millers' National Association, national organizations representing the lumber, cotton, drug, hardware, grocery, and other interests, and State and local organizations in forty-three States and Territories.

The CONGRESSIONAL RECORD, reporting the proceedings of the first and second sessions of the Fifty-eighth Congress, exhibits the fact that during the two sessions (which have passed), occupying the interval from November 9, 1903, to April 29, 1904, on nearly every day there have been filed, with the committees having the measure in hand, petitions and memorials praying for the speedy enactment of legislation to strengthen the powers of the Interstate Commerce Commission. The RECORD shows that such documents were received and referred on ninety-six different dates, submitted by thirty-one different Senators and seventy-three different Representatives from 116 organizations of shippers and receivers.

In his message of December 6, 1902, to the present session of Congress, President Roosevelt again urges action in the following language:

Above all else, we must strive to keep the highways of commerce open to all on equal terms; and to do this it is necessary to put a complete stop to all rebates. Whether the shipper or the railroad is to blame makes no difference; the rebate must be stopped, the abuses of the private car and private terminal-track and side-track systems must be stopped, and the legislation of the Fifty-seventh Congress which declares it to be unlawful for any person or corporation to offer, grant, give, solicit, accept, or receive any rebate, concession, or discrimination in respect to the transportation of any property in interstate or foreign commerce whereby such property shall by any device whatever be transported at a less rate than that named in the tariffs published by the carrier must be enforced. For some time after the enactment of the act to regulate commerce it remained a mooted question whether that act conferred upon the Interstate Commerce Commission the power, after it had found a challenged rate to be unreasonable, to declare what thereafter should, *prima facie*, be the reasonable maximum rate for the transportation in dispute. The Supreme Court finally resolved that question in the negative, so that as the law now stands the Commission simply possess the bare power to denounce a particular rate as unreasonable.

While I am of the opinion that at present it would be undesirable,



if it were not impracticable, finally to clothe the Commission with general authority to fix railroad rates, I do believe that, as a fair security to shippers, the Commission should be vested with the power, where a given rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the Commission to take effect immediately, and to obtain unless and until it is reversed by the court of review. The Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce; and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other. In my judgment the most important legislative act now needed as regards the regulation of corporations is this act to confer on the Interstate Commerce Commission the power to revise rates and regulations, the revised rate to at once go into effect and to stay in effect unless and until the court of review revises it.

I quote from the report of the Interstate Commerce Commission for 1890, setting out their previous recommendations:

In previous communications to the Congress, especially those of more recent date, attention has been called to the vital respects in which the act to regulate commerce has proved defective and inadequate. Some of its provisions were early seen to be imperfect, while others were so uncertain or ambiguous as to give rise to protracted litigation, resulting finally in authoritative construction by the Supreme Court of the United States. The Commission has taken much pains to explain the various questions that have thus been decided and the effect of these adjudications in defeating the purposes of the act. To state that the law in its present condition can not be enforced is only to repeat what has already been said. Until further and important legislation is enacted the best efforts at regulation must be feeble and disappointing.

This subject was fully discussed in our last annual report, and we are unable to add anything to the presentation then made. In that and previous reports we have not only set forth in general terms the necessity for amending the law, but have formulated and proposed the specific amendments which appear to us positively essential. With the renewal of these recommendations no duty of the Commission in this regard remains undischarged.

Meanwhile the situation has become intolerable, both from the standpoint of the public and the carriers. Tariffs are disregarded, discriminations constantly occur, the price at which transportation can be obtained is fluctuating and uncertain. Railroad managers are distrustful of each other, and shippers all the while in doubt as to the rates secured by their competitors. The volume of traffic is so unusual as to frequently exceed the capacity of equipment, yet the contest for tonnage seems never relaxed. Enormous sums are spent in purchasing business and secret rates accorded far below the standard of published charges. The general public gets little benefit from these reductions, for concessions are mainly confined to the heavier shippers. All this augments the advantages of large capital and tends to the injury and often the ruin of small dealers. These are not only matters of gravest consequence to the business welfare of the country, but they concern in no less degree the higher interests of public morality.

The Commission indicated in its last annual report the amendments which in its judgment are needful to confer upon it the requisite power over rates. Those amendments would not invest the Commission with any different or greater authority than it was long supposed to possess; they would simply enable it to carry out the purposes of the act as declared in its first three sections. We are still of the opinion that public authority should be endowed with that measure of regulative control over the railways of this country, and if the Commission is not qualified to discharge that trust then a more competent tribunal should be created.

I quote from the report of the Interstate Commerce Commission for 1900:

In its last annual report the Commission stated that attention had been called in previous reports to the vital respects in which the act to regulate commerce has proved defective and inadequate; that the present law can not be properly enforced, and that until further legislation is provided the best efforts at regulation must be feeble and disappointing. The requests of the Commission for needful amendments have been supported by petitions and memorials from agricultural, manufacturing, and commercial interests throughout the country; yet not a line of the statute has been changed and none of the burdensome conditions which call for relief have been removed or modified. The reasons for the failure of the law to accomplish the purposes for which it was enacted have been so frequently and fully set forth that repetition can not add to their force or make them better understood. It is sufficient to say that the existing situation and the developments of the past year render more imperative than ever before the necessity for speedy and suitable legislation. We therefore renew the recommendations heretofore made and earnestly urge their early consideration and adoption.

I quote from the report of the Interstate Commerce Commission for 1904:

We said in our reports to Congress for 1902 and 1903, and now repeat, that in view of the rapid disappearance of railway competition and the maintenance of rates established by combination, attended as they are by substantial advances in the charges on many articles of household necessity, the Commission regards this matter as increasingly grave, and desires to emphasize its conviction that the safeguards required for the protection of the public will not be provided until the regulating statute is thoroughly revised.

The complaints which come before the Commission, and which are discussed under another heading, show that the grievances alleged reach from matters of trivial consequence to those which involve very large sums during the course of a year's business, and that the effect is not always confined to the mere amount of a given reduction from a published rate, but frequently extends to the ability to carry on trade in great lines of business. Though the law is extremely defective, aggrieved shippers have no other resource than to appeal to the Commission. In the hope, as was said in our last report, "of some relief from conditions which they regard as intolerable."

I quote also, on this point, from the report of the Industrial Commission (p. 432):

It is urged by the Interstate Commerce Commission that such legislation must be accompanied by the further provision that the rates prescribed by it shall be effective pending appeal. The Cullom bill

covers this point by making the order of the Commission effective, unless the circuit court shall by special order set it aside pending the final adjudication. While there is much evidence to support the reasonableness of this contention, it is strenuously opposed by the carriers. Some effective remedy for the intolerable conditions which prevail under the law to-day must certainly be provided.

5. The wages of railway employees did not depreciate under exercise of the assumed power to fix rates from 1887 to 1897, and the conferring of power at this time upon the Commission to revise rates would not lower the wages of employees.

According to reports made to the Interstate Commerce Commission by common carriers engaged in interstate commerce, the average daily compensation of the different classes of railway employees, other than officers of the railways, were as follows:

	Fiscal year ending—	
	June 30, 1892.	June 30, 1897.
General office clerks.....	\$2.23	\$2.18
Station agents.....	1.82	1.73
Other station men.....	1.68	1.62
Enginemen.....	3.68	3.65
Firemen.....	2.08	2.05
Conductors.....	3.08	3.07
Other trainmen.....	1.90	1.90
Machinists.....	2.29	2.23
Carpenters.....	2.08	2.01
Other shopmen.....	1.72	1.71
Section foremen.....	1.76	1.70
Other trackmen.....	1.22	1.16
Switchmen, flagmen, and watchmen.....	1.80	1.72
Telegraph operators and dispatchers.....	1.92	1.90
Employees—account floating equipment.....	2.03	1.88
All other employees and laborers.....	1.68	1.64

The above statistics are taken from the annual report of the Commission's statistician for the fiscal year ending June 30, 1901, page 37, and cover, practically, the period of depression which began in the spring of 1893. The fiscal year ending June 30, 1892, is the first year for which the statistician has furnished this kind of information. During the early years of its existence the Commission did not receive from the carriers data from which full and complete comparisons could be made.

It will be remembered that from the date of its organization in the spring of 1887 until May 24, 1897, when the Supreme Court rendered its decision in what is known as the "maximum rate case," the Commission exercised the power of naming a rate to take the place of one found, upon investigation, to be unreasonable. It is now claimed by those who are opposed to giving the Commission power to name reasonable rates to take the place of rates found to be unreasonable that doing so would result in the lowering of wages paid to railway employees, but if the future is to be a repetition of the past this contention would appear to be without foundation. Although the Commission exercised the power referred to during the five years' period for which data are given above the wages paid in 1897 did not differ materially from those paid in 1892; and that five years' period began during comparatively good times and ended before the depressing effect of the panic of 1893 had been entirely removed. The panic during that period undoubtedly caused numerous changes in wages on particular lines, but the reported averages of wages in 1892 and 1897 are as above stated.

6. That there is an intimate and an essential relation between railway rates and the capital invested in railroads, and that 25 or 50 per cent of the capital of the railroads of America is fictitious, "wind and water," and that the earning compensation upon such fictitious capital by the railways, through excessive and unjustly high railway rates, is a fraud upon the traveling and shipping public, and that these excessive charges are a heavy and an unjust tax upon the skill and industry and earnings of the producer and consumer and small shipper.

Testifying in this connection before the Industrial Commission, Professor Parsons, of Boston, said:

The prevalence of water in the railroad system is so well known that it is not necessary to do more than touch upon the matter. Vanderbilt set the pace in consolidating the eleven roads between Albany and Buffalo and increased the capitalization by nearly \$9,000,000 in doing it, then added 50 per cent to the stock capitalization of the Hudson road, of which he was president; then extending his control over the Central and adopting the same tactics there he added 80 per cent to the New York Central; then he consolidated the two roads, and in doing it inflated the Central 27 per cent more and the Hudson 85 per cent; so that in the four years from 1866 to 1870 he brought the capitalization up from \$54,000,000, which was a little more than the total cost on the books of the company—about \$4,000,000 more—to \$103,000,000. The total cost on the books in 1870 was under \$70,000 per mile, while under his capitalization it was \$122,000 per mile.

That example has been followed to a great extent all over the country, so that our railroad capitalization is now about half water, or water and wind. The figures of construction and equipment cost given in Poor's Manual from time to time indicate that the railroads of the United States are capitalized at about double what they could be built and equipped for at the present time.

Mr. Parsons further stated that the total capitalization was a little over \$60,000 a mile, and that the actual value, according to Poor's figures as to the cost of reproduction, would be under \$30,000 a mile. (See Report of Industrial Commission, Vol. IX, pp. 154 and 155.)

On pages 405-407 of Volume XIX of the Industrial Commission's report the following appears:

Methods of inflating capitalization are various. Formerly sheer fraud was often practiced in issuing stock for speculative purposes. Between 1868 and 1872, for example, the share capital of the Erie road was increased from \$17,000,000 to \$78,000,000 for the purpose of manipulating the market. This action led the board of the New York Stock Exchange in 1869 to refuse to quote the Erie shares. Another fraudulent device consisted in paying excessive sums to dummy construction companies composed of members of the railroad company and their friends. For instance, the original Southern Pacific road cost actually only \$6,500,000; altogether it is a matter of record that \$15,000,000 was paid a construction company, and the bankers' syndicate which financed the road received \$40,000,000 in securities, or an average of \$6 in bonds and stock for each dollar of actual cost. The same thing happened in connection with the Pacific roads. It was also not uncommon for directors of railroad companies to purchase other railroad properties and then sell them to their own company at excessive prices. Again, stock has in many instances been given away by railroad companies simply as a bonus to bait purchasers of the bonds which the concerns were trying to float. It is well known that the New York Central, Erie, Reading, St. Paul, Chicago and Northwestern gave away in this manner a portion of their earlier stock issues. These flagrant methods of stock watering have been largely discontinued during recent years.

The principal methods of stock watering still employed are the following:

1. The commonest is the payment of so-called "stock dividends" to shareholders. These consist either of an outright bonus of new shares of stocks or bonds or, in a mitigated form, of stocks sold below par or at less than market quotations. Examples are the 80 per cent stock dividend of the New York Central, in 1868; the Reading scrip dividends, between the years 1871 and 1876; the Chicago, Burlington and Quincy and Atchison stock dividends of 20 per cent and 50 per cent, respectively, in 1880 and 1881, and the famous Boston and Albany distribution of State stock in 1882.

2. Consolidation of railroad properties offers opportunities to increase capital surreptitiously in various ways: (a) One is through the issue of new stock to defray the entire expenses of betterment of the operating plant. (b) Sometimes, again, the constituent companies are gerrymandered so that the successful concerns with surplus earnings are combined with roads less favorably situated, thus making it possible to distribute earnings at a comparatively low dividend rate. (c) The third device connected with consolidation consists in substituting a high-grade for a low-grade security. A weak company, whose stock is quoted, say, at 50, may be merged in a second corporation whose stock stands at 100. The latter may then issue new stock worth \$100 in exchange for the \$50 stock, share for share.

3. A third method is the substitution of stock issues for funded debt. It has the advantage of giving great elasticity to future dividend possibilities. The substitution of 8 per cent stock for 4 per cent bonds facilitates the absorption of increasing earnings in the future. The stocks also permit of cessation of dividends during periods of depression. The substitution of stock for bonds in this way is not, however, so harmful to the public interest, provided the stock issues are subject to control by State commissions.

4. Another expedient for increasing capitalization is the funding of contingent liabilities. Large amounts of such liabilities, in the form of bills payable, wages and salaries due, and the like, may be covered by issues of interest-bearing scrip. This is unquestionably bad financing, as floating debts should, in general, be provided for out of earnings.

An excellent illustration of inflation of capitalization is furnished by the recent reorganization of the Chicago and Alton Railway Company. The old Alton management was extremely conservative. The stock had never been watered, and represented, before the recent deal, less than the probable cost of duplication. The company was capitalized at about \$30,000,000, including \$22,000,000 of stock and about \$8,000,000 of bonds. It had a net earning capacity of \$2,900,000 a year, paying regular dividends of 7 or 8 per cent on its common stock. In 1899 the road was bought by a syndicate, which paid \$175 a share for the common stock and \$200 a share for the preferred stock, making a total cost to the purchaser of \$40,000,000 for the \$22,000,000 of stock. The road was recapitalized at \$94,000,000, or \$54,000,000 of bonds and \$40,000,000 of stock. The new bonds were floated at 3½ per cent. The fixed charges of the road as reorganized amount to \$1,963,000 per year. On the basis of the former earning capacity of the road, which averaged considerably more than \$3,000 net per mile, it is estimated that the company will have no difficulty in earning its fixed charges and paying a dividend on the preferred stock. The increase of capitalization in this case is defended on the ground that the road will not have to earn any more than formerly in order to pay interest and dividends on the new capital. It seems clear, however, that the doubling of the capital stock and the increasing of the bonded debt nearly sevenfold must impose a burden upon the rates that will tend to prevent any reduction which might otherwise naturally take place and afford a convenient reason for refusing to advance wages.

In the recent case, Northern Securities Company v. United States (193 U. S., 197), Mr. Justice Harlan, in delivering the opinion of the court, stated that the capital stock of the Northern Securities Company, \$400,000,000, which was to be issued to purchase the capital stock of the Northern Pacific and Great Northern Companies, was about \$122,000,000 greater than the combined capital stock of the latter two companies.

The above are important examples of inflation, but numerous other cases of a similar nature might be cited. It is true that in many instances the fraud was perpetrated many years ago, but its injurious effects have continued ever since and are still operative; and that this pernicious practice has been continued during recent years to an alarming extent is shown by data

collected and published from time to time by the Interstate Commerce Commission. In the thirteenth annual report of the Commission's statistician for the fiscal year ending June 30, 1900, on page 54, it is said:

The aggregate amount of railway securities reported by the carriers as outstanding on June 30, 1900, was \$11,491,034,960, being an increase as compared with the previous year of \$457,080,062. If this increase be added to the increase in railway securities during the years ending June 30, 1899 and 1898, it appears that the increase in railway securities during the three years previous to June 30, 1900, was \$856,026,886. Confining comment to the year covered by this report, it is pertinent to notice that the increase of \$457,080,062 in railway securities is synchronous with an increase in mileage of 4,051.12 miles. It can hardly be claimed that the issue of securities for the construction of this new mileage would exceed \$120,000,000, which would leave an increase of \$337,080,062 to be explained in some other manner. Whether facts of this sort be regarded in their bearing upon the adjustment of rates or as a question of equity in the conduct of a quasi-public business, they certainly present a problem in which the public has a legitimate interest.

The amount of stock outstanding on June 30, 1900, was \$5,845,579,593, of which \$4,522,291,838 existed in the form of common stock and \$1,323,287,755 in the form of preferred stock. The increase in common stock during the year covered by the report was \$198,990,869.

The outstanding funded indebtedness at the close of the year covered by this report was \$5,645,455,367, a classification of which is stated in the summary. The amount of funded indebtedness reported this year exceeds the amount reported for the previous year by \$126,512,195. It is a significant fact, and not entirely in harmony with the trend of previous years, that the increase in stock is more than two and a half times as great as the increase in funded indebtedness. Ordinarily this would be regarded as a healthful tendency, but this can hardly be so interpreted in the present instance, in view of the fact that the increase in bonded indebtedness alone is in excess of the probable cost of railway construction during the year.

Under these circumstances, it seems strange that those who are apparently in a position to know the facts should urgently insist that the railways of this country are not overcapitalized; and it is still more difficult to understand why such parties should repeatedly declare that the fact that large dividends are not being paid on the total capitalization is conclusive proof to the effect that rates of transportation are not unreasonably high.

7. Railway construction was not retarded from 1887 to 1897, when the Interstate Commerce Commission acted under the assumed and supposed possessed power to revise and fix railway rates, except as partially affected by the panic of 1893.

Additional single-track mileage in the United States for the fiscal years ending June 30, beginning with the year ending June 30, 1890, as reported to the Interstate Commerce Commission by common carriers, has been as follows: 1890, 5,838.22; 1891, 4,805.63; 1892, 3,160.78; 1893, 4,897.55; 1894, 2,247.48; 1895, 1,948.92; 1896, 2,119.16; 1897, 1,651.84; 1898, 1,967.85; 1899, 2,898.34; 1900, 4,051.12; 1901, 3,891.66; 1902, 5,234.41; 1903, 5,505.37.

The above are increases in single-track mileage and do not include second, third, or fourth tracks, or yard tracks, or sidings. (See Annual Reports of the Statistician of the Interstate Commerce Commission for the years 1900 and 1903, page 13 of the former and page 12 of the latter.)

To show the disastrous effects of excessive railway-rate charges I quote from a statement made by Interstate Commerce Commissioner Prouty:

#### FREIGHT RATES TOUCH EVERYTHING.

What is a freight rate? A freight rate is a tax on everything which enters into the life and commerce of this country. You have not got a stitch of clothes on you which has not borne that tax. You do not eat a single thing which does not bear that tax, unless you dig it in your own garden or buy it from some laborer who digs it in his garden. And to say that one man shall determine what every other species of property shall pay to his property is a thing which I do not believe the people of the United States will submit to. Mr. Hill says in his sworn testimony that a man who charges too high a rate is a pirate. I do not think that. The question of the rate, a reasonable rate, is a matter of opinion. Mr. Hill's opinion might be one way and your opinion might be the other way.

So I do not think that, at all. But I do think this: The history of all time has shown that when you give a single individual power over the property or the liberty of his fellow-man and do not restrain or control that power, he abuses it. If the railroad property of this country has the right, without control, to say what tribute other property shall pay to it, it will abuse that power.

Now, you say that is theory. You say your rates are still falling. These operations began, you see, years ago. I say to you that rates are not still falling; I say to you that rates are advancing—that there is a steady advance of rates in all parts of this country to-day. This is shown by the published schedules on file with the Interstate Commerce Commission. It is shown even by the rates per ton per mile, which is a poor indication of the actual rate, but which has advanced for the last two years, and undoubtedly, when our computations are completed, they will show a higher rate per ton per mile for the year ending June 30, 1901, than for the previous year.

If you could sit in an office, as I do, receiving complaints from all parts of the country of advances here and advances there, you would understand in a way that you can not understand how this process goes on.

Mr. Chairman, in concluding my remarks upon this subject, permit me to say that the tremendous sentiment in this country for the reform of railway abuses is certain to find ultimately its expression in adequate legislation. The movement for the reform of railway abuses, affecting the shippers, producers, and consumers of this country can not be stayed. The



people are omnipotent and more powerful than the railways and all their allied interests.

A great political leader in this country, an eminent Democrat, the Hon. William Jennings Bryan, does not hesitate to declare that, in his opinion, it begins to appear as if Government ownership of the railways of this country were the only practical and complete remedy for railway abuses.

Many newspapers in this country advocate Government ownership of railways. The intolerable oppressions by the railways of the country upon the capital and earnings of small shippers, producers, and consumers will lead to a remedy by adequate legislation, regulating railways in the interest of the people, or will lead to Government ownership of the railroads. Those who own and who are interested in them, and who balk at Government ownership, had better be wise at this time and yield with grace to that which they can not prevent. Captious resistance on their part will but inflame public indignation against them.

It may be well, Mr. Chairman, to quote in part the language of Lord Macaulay upon a pressing subject of reform in his own country. Speaking about the advice given to the country different from that which he himself had offered, he used these words:

That advice, so pernicious, will not be followed, I am well assured; yet I can not but listen to it with uneasiness. I can not but wonder that it should proceed from the lips of men who are constantly lecturing us on the duty of consulting history and experience. Have they never heard what effects counsels like their own, when too faithfully followed, have produced? Have they never visited that neighboring country which still presents to the eye, even of a passing stranger, the signs of a great dissolution and renovation of society? Have they never walked by those stately mansions, now sinking into decay and portioned out into lodging rooms, which line the silent streets of the Faubourg St. Germain? Have they never seen the ruins of those castles whose terraces and gardens overhang the Loire? Have they never heard that from those magnificent hotels, from those ancient castles, an aristocracy as splendid, as brave, as proud, as accomplished as ever Europe saw was driven forth to exile and beggary, to implore the charity of hostile governments and hostile creeds, to cut wood in the back settlements of America, or to teach French in the schoolrooms of London? And why were those haughty nobles destroyed with that utter destruction? Why were they scattered over the face of the earth, their titles abolished, their escutcheons defaced, their parks wasted, their palaces dismantled, their heritage given to strangers? Because they had no sympathy with the people, no discernment of the signs of their time; because, in the pride and narrowness of their hearts, they called those whose warnings might have saved them "theorists and speculators;" because they refused all concession, till the time had arrived when no concession would avail.

I desire again to emphasize the point that the movement for reform of railway abuses in this country can not be stopped, and I quote to all the allied railway interests in the United States the further language of Lord Macaulay, which they can apply for themselves and which they can not fail to understand.

What, then, can you do to bring back those times when the constitution of this House was an object of veneration to the people? Even as much as Strafford and Laud could do to bring back the day of the Tudors; as much as Bonner and Gardiner could do to bring back the days of Hildebrand; as much as Villèle and Polignac could do to bring back the days of Louis XIV. You may make the change tedious; you may make it violent; you may—God in His mercy forbid!—you may make it bloody, but avert it you can not. Agitations of the public mind so deep and so long continued as those which we have witnessed do not end in nothing. In peace or in convulsion, by the law or in spite of the law, through the Parliament or over the Parliament, reform must be carried. Therefore be content to guide that movement which you can not stop. Fling wide the gates to that force which else will enter through the breach. Then will it still be, as it has hitherto been, the peculiar glory of our constitution that, though not exempt from the decay which is wrought by the vicissitudes of fortune and the lapse of time, in all the proudest works of human power and wisdom, it yet contains within it the means of self-reparation. Then will England add to her manifold titles of glory this, the noblest and purest of all, that every blessing which other nations have been forced to seek, and have too often sought in vain by means of violent and bloody revolution, she shall have attained by a peaceful and lawful reform.

[Loud applause.]

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed a bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 3790. An act for the relief of B. Jackman.

The message also announced that the Senate had passed, without amendment, bill of the following title:

H. R. 17345. An act to exclude from the Yosemite National Park, Cal., certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6312) providing for the construction of irrigation and reclamation works in certain lakes and rivers.

The message also announced that the Senate had adopted the following orders:

Ordered, That the Secretary of the Senate communicate to the House of Representatives an attested copy of the answer of Charles Swayne, judge of the United States, in and for the northern district of Florida, to the articles of impeachment, and also a copy of the foregoing order.

Also:

Ordered, That the managers on the part of the House be allowed until the 6th day of February instant, at 2 o'clock in the afternoon, to present a replication or other pleading of the House of Representatives to the answer of the respondent. That any subsequent pleadings, either on the part of the managers or of the respondent, shall be filed with the Secretary of the Senate, of which notice shall be given to the House of Representatives and the respondent, respectively, so that all pleadings shall be closed on or before the 9th day of February instant, and that the trial shall proceed on the 10th day of February instant, at 1 o'clock p. m.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6929. An act to establish a light and fog-signal station at Robinsons Point, Isle au Haut Thororoughfare, Me.;

S. 6923. An act for the construction of a private conduit across D street NW.; and

S. 6425. An act to amend section 4472 of the Revised Statutes so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) using the same as a source of motive power.

#### CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

Mr. HITT. I yield to the gentleman from Maine.

Mr. LITTLEFIELD. I simply take the floor to make an inquiry of the distinguished gentleman in charge of the bill. I notice that the increase in the expenditures over the existing law is \$78,716.24. That is not a very large sum, and the bill itself does not carry a very large amount as compared with the other appropriation bills—only \$2,107,047.72. I have heretofore called attention to the fact that we not only have a deficit for this year, 1905, as compared with the expenditures and receipts, but that we shall have a deficit for the fiscal year, as compared with the appropriations and expected revenues, of something like \$64,000,000. I desire to say, however, by way of explanation of my suggestion the other day, that the gentleman from New York was at least very conservative and safe, as he ordinarily is, in his statement that this deficit at the end of June, 1905, would be only about \$20,000,000, instead of the calculation that I made of the deficit based upon existing receipts and expenditures of, say, \$60,000,000. I find from an estimate which I received from the Secretary of the Treasury that the deficit will probably be about \$18,000,000 for 1905. So that relieves the situation some.

Now, the inquiry that I wish to make of the gentleman from Illinois is whether there is anything in his bill that could, with reasonable care, having the interest of the public service in mind, be reduced? I see it is somewhat increased. Knowing the gentleman as well as I do, I infer on general principles that the increases would not have been recommended unless necessary; but taking into account these conditions to which I have referred, I should like to inquire of the gentleman whether there is anything in the bill that could be cut down consistently with the interests of the public service?

Mr. HITT. The effort of the committee was to find the items which could be reduced without injury to the public service and the public interests. There is one item that is considerably reduced, and that is for the Water Boundary Commission on the Mexican border.

The increases are many in number, but each one of them is small. They are occasioned by the growth of the country, the increase of business, and the reflection of it as seen in the increased work in the consular offices. We have increased the allowance for clerk hire in many offices, one hundred, two hundred, three hundred dollars, to conduct the increased business. For one mission, that to the Argentine Republic, which has grown rapidly, we have increased the salary \$2,000.

The State Department recommended increases amounting to nearly \$250,000. Those actually made by the committee over the existing law are only \$78,000, a small sum in proportion. The committee were desirous of going further in changing the service; but preserving it in its present form and treating it in the spirit in which it is now organized, we could not put these items lower.

Mr. LITTLEFIELD. Mr. Chairman, I understand from the gentleman from Illinois that all of these increases have been subjected to his personal scrutiny and examination.

Mr. HITT. Every one.

Mr. LITTLEFIELD. So far as I am concerned, I desire to say it is entirely satisfactory, and I have no question but what each increase is justified by the facts and circumstances.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. HITT. Certainly.

Mr. PERKINS. How much is the appropriation in this bill for the Bureau of the South American Republics?

Mr. HITT. Thirty-six thousand dollars.

Mr. PERKINS. Mr. Chairman, I should like to ask the gentleman whether he thinks this country gets \$36,000 worth of benefit from the continuance in office of the Bureau of the South American Republics? Its utility is certainly not apparent to many of us.

Mr. HITT. Mr. Chairman, that question has been asked before by members of the committee and by Members of the House, and I have asked it myself.

The purposes of the Bureau of American Republics are usually stated in general phrases satisfactory to national aspirations and the general spirit of legislators. But the details of how the matter is worked out and what is done in particular are not readily stated. The work of a consul is plainly reported by him. It is a narrow field, and we quickly understand what he has done, for example, to advance the sale of certain classes of American goods or to facilitate the enlargement of business. If the Bureau of American Republics is to be measured by what it does in this way its services would seem small, and I believe it would be absurd to expect that a few men in an office in Washington should promote special lines of trade, as the sale of onions in some town in the South Pacific, or show that they had aided the sales of flour or petroleum in a town in Asia, as a consul can do. They have been engaged in making known to those dealing with this country the trade regulations and laws of our country, in the language of the country trading with us; and have made accessible to our merchants in translations, from the Spanish especially, foreign laws and regulations, in great numbers of documents, which have been kept at the service of our merchants, and also merchants of other countries.

Those are not popular or attractive documents; they are not matters that men are interested in as in the dispatches in the morning papers. It is dreary reading to pick up the Bulletin in the four languages and go through details from various foreign lands and markets; but ask a dealer what it is worth, he answers, "This item is nothing, and so is that, but here is one worth a great deal to me. The information contained in that paragraph is what I might have written a dozen letters to find out and could not ascertain before."

Mr. Coombs, of Brooklyn, who used to be on this floor, and who was an extensive merchant in those countries about which we are now talking, said that it had awakened an interest and gave precise information to those who were hunting for it, but that it did not give sensational news to the wayfaring man, the passer-by, who expected it in the morning paper.

Mr. PERKINS. How many individuals are there drawing salaries?

Mr. HITT. There is a director who gets \$5,000; the secretary, \$3,000; chief translator, \$2,700; a chief clerk, \$2,500; two translators, at \$1,500 each; one assistant translator, at \$1,500; a private secretary, \$1,400; one clerk, at \$1,200, six, at \$1,000 each; three at \$900; one messenger, at \$900, two at \$600, and one charwoman at \$20 per month. The annual report estimates the pay roll at \$33,000 in salaries.

Mr. PERKINS. Does the gentleman from Illinois think that if an amendment was offered reducing that appropriation to \$20,000 it would not be sufficient for all the work?

Mr. HITT. It can not well be done in just that way. The origin and growth of this appropriation are peculiar. We entered into a union with American republics by which there was to be \$36,000 per annum paid in to support this bureau. Each of the republics was to pay its quota based on proportionate population, and our quota was not \$36,000, but it was a considerably larger part of the \$36,000 than that of any other nation; as our population was larger our quota was more than that of any other people. By and by, owing to the delay in sending quotas, which almost always attends financial transactions with Latin-American countries, there was money wanted, and it did not come in time. By and by it would come, in whole or in part; but they might be two or more years behind-hand. In order that the work might go on Congress appropriated the full \$36,000 from our Treasury, the parts of other republics to be replaced whenever it was received from them. As the work seemed to enlarge and extend, a number of years ago Congress put in a provision that the \$36,000 should be paid from our appropriation and the payments from the other republics should be in addition to that, and they are now paying

in addition to that. I think nearly every one of the countries are now paying up, all but one or two. They are behind very often, but ultimately most of them pay. The reason that was thought to justify our going on paying more than our quota was because we have a far greater interest, even in proportion to our numbers, than the other countries have. We are the sellers. We are trying to make the trade, and, more than that, we have practically the control of the bureau. We name all or nearly all of the men employed in it.

Mr. PERKINS. The gentleman does not think that the item can be reduced?

Mr. HITT. It could be reduced, but it ought not to be reduced below our proportionate part of \$36,000 without some negotiation; and if we stop it we should let the other nations understand that we are to abandon this bureau.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman from Illinois yield?

Mr. HITT. Certainly.

Mr. STEPHENS of Texas. I see on page 11 you provide \$1,500 to meet the share of the United States in the annual expense for sustaining the international bureau at Brussels for the translation and publication of customs tariff. What I desire to know is whether or not citizens of the United States can apply at Brussels to the people in charge there and secure the tariff rates of any tariff country.

Mr. HITT. I understand those publications can be obtained by writing to Brussels or by applying to the Department of State here in Washington.

Mr. STEPHENS of Texas. I have had inquiries from manufacturers to know what would be the tariff rate on certain articles in Mexico.

Mr. HITT. The quickest way to get that would be to write to the Bureau of American Republics and you will receive the Mexican tariff both in the English language and in the language of the country.

Mr. STEPHENS of Texas. Then the object of this appropriation is to translate foreign tariff rates and put them in shape so that citizens can obtain them?

Mr. HITT. Yes; it is an international bureau that was provided for fifteen years ago for the convenience of the different countries, and this small sum is our proportion. The amount of it is not determined by our committee, but is determined by the convention, and we have our proportionate part assigned to us.

Mr. SCOTT. Mr. Chairman, I would like to ask the gentleman a question.

Mr. HITT. Certainly.

Mr. SCOTT. I notice that the bill carries \$1,500 to the salary of the secretary of legation at Liberia. I have been advised that the cost of living there is very high, and I wish to inquire of the gentleman in charge of the bill if his special attention has been directed to that matter and whether he would regard an amendment increasing that salary to \$1,800, to put it on a level with salaries elsewhere, with approval?

Mr. HITT. The committee inquired very carefully as to the Liberian mission and consulate-general. It is a sentimental post, and it is one that is based upon a strong national sentiment. The Liberian Republic is our only offspring as a nation—that former colony and now little Republic. It is very hard to justify paying anybody to be a minister, for we have almost no commerce there; we have little trade with Liberia. We have some intercourse, but it is carried on by way of Europe. The minister is an excellent man and the committee desired to raise his compensation if possible, and that of his secretary also; but it is hard to find a solid reason for the expense of a mission now paid. That is the trouble, and when the subject was before the committee the first suggestion was to abolish the mission, because the consular reports and all information connected with the mission show that it has very little reason for existing. There are some missionaries there to be protected, and our minister watches over their interests, when he is not sick. It is a trying climate. Even doctor bills take a good part of his salary. There is small trade. We have always hoped there would be a larger personal intercourse and increased population by emigration of our colored fellow-citizens, but they do not go, and they are not going to emigrate in that direction.

Mr. SCOTT. May I ask if there are any considerable American interests there?

Mr. HITT. There are no great investments of American capital there. There are some, but not what we would suppose, knowing that the population is originally drawn from the United States. We have no line of steamers there, and that is the trouble. The money invested there comes largely from Europe—from London chiefly. Their trade is with England; their church relations are largely with England, though they have a bishop who comes here sometimes. That is the difficulty about raising



the pay of this mission, when we have many others, important and busy, that are calling for an increase.

Mr. SCOTT. I am greatly obliged to the gentleman for his statement. It gives me exactly the information I desire.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Illinois [Mr. HITT] a question. On page 13 of the bill I see there is an item as follows:

To pay the quota of the United States as an adhering member of the International Railway Congress for the year 1906, \$400.

Will the gentleman kindly state where that congress is to be held and what the object of it is?

Mr. HITT. It is a body, international in character, composed of representatives of the leading railroads of all great countries. The railway associations provide for the costs of the sessions, the entertainment of the delegates, etc. The next session is to be held in the United States, at Washington, in May of this year. It is important that this great congress be recognized by our Government, and so we are asked to adhere and pay the adhesion sum, which is \$400. There have been six sessions held—at Brussels, 1885; at Milan, in 1887; at Paris, 1889; at St. Petersburg, in 1892; at London, 1895, and at Paris, 1900. The proceedings are in very valuable volumes, two to six for each congress, in French and English, discussing all branches of railroad construction and operation by the first men of that profession. It costs a good deal, but is paid for by the railway associations taking part.

Mr. STEPHENS of Texas. Does such a scheme as the Pan-American Railway scheme have any connection with it?

Mr. HITT. That is not a railroad; that is a project.

Mr. STEPHENS of Texas. Proposing to build a railroad to South America?

Mr. HITT. Yes. I do not believe that would have a representative there. It might be a subject of discussion by others.

Mr. STEPHENS of Texas. That would have no connection with it?

Mr. HITT. I think it would not be entitled to a representative, but the discussion of the subject would undoubtedly be entered into by those able men who are there.

Mr. GROSVENOR. Mr. Chairman, I would like to ask the gentleman from Illinois if he can tell the committee which way the balance is between the income of the Government from the consular sources and the expense of the consular system?

Mr. HITT. Mr. Chairman, I have not that figure at hand. It has been often stated and the computation has been made in different years. The payments turned into the Treasury from the consulates have often been greater than the whole cost of that service; and as a general fact, I may say that the consular service of the United States has not cost the Treasury one dollar.

Mr. GROSVENOR. Then, without making any attack on this bill, or with no purpose whatever of seeking any amendment to it, does not the gentleman think it would be a good idea to increase the salaries of our consuls at least up to the profit that the Government has on the service?

Mr. HITT. I do not believe it should be the rule to measure their pay by the fees collected. The receipts are not paid by the Government; they are paid by American commerce, which is burdened with the fees that are turned into the consulates. In some of the consulates they are enormous and in some they are trifling, but the rule governing the compensation of a consul ought never to be based on that alone. He is a man to promote American interests and protect the rights of life and property. We have consuls provided for in this bill at \$2,500 a year who do not have any great trade interests in charge and whose fees do not amount to over a hundred or two hundred dollars; but they have many human lives that lean upon them, and as to whom they have to manage and look out in cases where laws are not well administered. Therefore the rule suggested by the gentleman from Ohio [Mr. GROSVENOR] could not be applied.

Mr. GROSVENOR. I do not want to be understood as making that the rule, but is it not rather a small business for the Government to be making money out of the consular service and starving the consuls?

Mr. HITT. I agree with the gentleman thoroughly on that.

Mr. GROSVENOR. That is what I wanted to get at.

Mr. HITT. Mr. Chairman, I will take one minute to state generally the nature of the bill and then if there be no one else wishing to speak I will ask that debate be closed and that the Clerk shall proceed with the reading of the bill by paragraphs. The expenditures to-day for our foreign diplomatic service are \$2,028,331.48. This bill provides for an expenditure of \$2,107,047.72. That is \$78,716.24 of increase, and it is \$166,180 less than the Department recommended. Most of them are small increases in the consulates which seemed to be inadequately paid, and some of them are worked hard. Then there is an

increase in the allowance for clerk hire to the consulates and an increase of a small sum allowed for contingencies and a small sum for general clerk hire. I believe that gives the general character of the bill sufficiently, and I will therefore ask to have the Clerk proceed with the reading of the bill under discussion. All the details are shown in the committee's report, as follows:

The diplomatic and consular appropriation bill, submitted by the Committee on Foreign Affairs, provides for the service for the coming fiscal year by reenacting the existing law, modified by the increases and decreases below recited.

The estimates submitted by the Department provided for the expenditure for foreign intercourse of \$2,273,227.72. The existing law provides for the expenditure of \$2,028,331.48. The bill herewith submitted provides for an expenditure of \$2,107,047.72, being \$166,180 less than the amount asked for in the estimates, and an increase over the existing law of \$78,716.24.

The items of increase, in substance, are as follows:

Item.	Existing law.	Proposed.	Increase.
Minister to the Argentine Republic	\$10,000.00	\$12,000.00	\$2,000.00
Minister to Roumania and Servia		7,500.00	7,500.00
Secretaries to legations	88,125.00	93,350.00	5,225.00
Bringing home criminals	5,000.00	7,000.00	2,000.00
Publication of customs tariffs	1,318.76	1,500.00	181.24
Total consular service	651,500.00	664,500.00	13,000.00
Clerk hire at consulates	96,700.00	103,060.00	6,360.00
Allowance for clerks	40,000.00	50,000.00	10,000.00
Salaries of interpreters	15,800.00	20,800.00	5,000.00
Guards, etc., Turkish dominions	8,000.00	10,000.00	2,000.00
Salaries, marshals, etc.	9,300.00	10,300.00	1,000.00
Hospital at Cape Town	25.00	50.00	25.00
Rewriting consular regulations		3,000.00	3,000.00
Foreign cemetery at Tangier		400.00	400.00
Seamen's institute at Kobe		25.00	25.00
Contingent expenses of consulates	255,000.00	280,000.00	25,000.00

The following are the items of increased appropriation for salaries of consuls and secretaries of legation: A secretary for the new mission established for Roumania and Servia, \$1,500; an increase of \$1,000 for the secretary of legation and consul-general at Stockholm; an increase of \$825 for the secretary of legation at Constantinople; of \$500 for the secretary to Switzerland; of \$200 for the secretary to Peru, and an increase of \$200 for the second secretary to Turkey, who is required to be a student of the language of that country.

The increases in consulates are as follows: New offices, Bergen, Norway, at \$1,500, and Stavanger, Norway, at \$1,000. In neither of these places is the compensation actually increased, the salary to be paid being about the same as the fees heretofore collected and retained. At Colombo, Ceylon, the salary is increased \$1,000, and at the following-named places the increase of salary is \$500 each: Chefoo, China; Kobe, Japan; Nuchwang, China; St. Gall, Switzerland; Bombay, India; Barranquilla, Colombia; Calais, France; Liege, Belgium; Toronto, Canada; Trinidad, West Indies; Vancouver, British Columbia; Port Limon, Costa Rica; Puerto Cortes, Honduras; Tamsul, Formosa; Winnipeg, Canada; Zittau, Germany; Batavia, Java; Cape Haitien, Haiti.

Allowances for clerk hire have been increased at many posts in small amounts in view of enlarging business from the present inadequate provision to the amount given in the foregoing summary, the increases in all amounting to \$6,360.

A reduction has been made in the amount appropriated annually for the Water Boundary Commission between Mexico and the United States from \$10,000 to \$5,000.

First, however, Mr. Chairman, I will yield to the gentleman from New York [Mr. SCUDDER].

[Mr. SCUDDER addressed the committee. See Appendix.]

Mr. HITT. Mr. Chairman, I will now ask the Clerk to proceed with the reading of the bill.

The Clerk read as follows:

Total, \$93,350.

Mr. MANN. Mr. Chairman, I wish to offer an amendment to that paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 18, page 5, insert:

"For six special agents of the Department of State, with the diplomatic rank and title of commercial attaché, to be appointed by the President, preferably from the consular service, and to be assigned, subject to transfer, at the discretion of the Secretary of State, to embassies and legations, or to particular trade regions or to such occasional service in the Department of State, as may be deemed advisable by the Secretary of State, who shall make regulations prescribing their duties, which shall include inspection of consulates, and shall require such cooperation by diplomatic and consular officers as may be necessary and judicious, at \$5,000 each, \$30,000.

"For necessary traveling expenses and cost of clerk hire, books of reference and periodicals, stationery, typewriting machines, telegrams, etc., for official purposes of such commercial attachés, \$20,000.

"Total, \$50,000."

Mr. HITT. Mr. Chairman, I reserve the point of order, but we will hear the gentleman.

Mr. MANN. Mr. Chairman, this amendment is one which was included in the message from the President which was presented to the House on the 18th of this month. When the Department of Commerce and Labor was organized it was provided that the State Department should continue to collect information



through the various consular offices, and after editing it in a proper manner that the information should be turned over to the Department of Commerce and Labor and published in the daily and monthly consular reports. The Department of Commerce and Labor ever since its creation has been, I think, under the impression that it ought to have some foreign commercial agents. It is quite certain, in my mind, that it would be more feasible to have any work in that connection done through the present consular system, but the consuls do not have that rank in diplomatic usage which entitles them to ascertain various items of information which a diplomatic agent of the Government or attaché would have. It would not be the design of this amendment if these six commercial attachés were provided for that they should be located at any one particular place, but they should give special attention to the work to be done by the consular officers of the Government and keep the consular officers not only stirred up, but, in a sense, educated up to the business necessities of our own people. There is no place in the foreign countries where our foreign trade might not be profitably extended.

We have no method by which this can properly be done. It ought to be done through the State Department. But it ought to be done by a higher rank than that of consular officers, and it can not be done by the present diplomatic corps in a satisfactory manner. The State Department recently sent out a circular to all of the consular and diplomatic officers of our country and received replies from them in reference to some form of accomplishing the purposes proposed to be accomplished by this amendment. The result of all these replies has been that this amendment has been prepared by the officials of the State Department in charge of this consular work, and they all believed, and the diplomatic and consular officers of our Government abroad generally believe, that this would accomplish the purpose of acquiring for the people of this country better and more detailed information, and information which would be of value to all of the business interests of our country.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. CLARK. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. MANN] a question or two.

Mr. MANN. Mr. Chairman, then I ask unanimous consent to extend my remarks for five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks for five minutes more. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Missouri [Mr. CLARK].

Mr. MANN. Certainly.

Mr. CLARK. Would not this amendment offered by the gentleman from Illinois [Mr. MANN] simply end in having two sets of people doing duplicate work, the same as the Agricultural Department and the Census Bureau overlap each other in getting domestic information that we desire?

Mr. MANN. I beg to say to my friend from Missouri [Mr. CLARK] that it would not result in a duplication of the work. The method of work now is that we rely upon the State Department's requests to various consular officers to report upon various classes of business. But at other times the consular officers make reports upon various kinds of business when they come to their attention. These reports, which undoubtedly the gentleman from Missouri [Mr. CLARK] frequently consults, are published in the daily consular reports. But this amendment would, first, permit the same official to go from country to country, not only collecting information himself, but, through his direction, getting the consular officers to collect this information. And this commercial attaché would stand upon a different footing from the consular officers so far as the foreign countries are concerned. The State Department informed me, when I had this matter up in the creation of the Department of Commerce and Labor, that it was not possible for the consular officer to obtain certain classes of information and to have certain avenues open to him which a diplomatic officer would have, without difficulty, while these, as provided for in the amendment, would really be consular officers in a way, to gather information; they would have the status of diplomatic officers, and would thereby be accorded sources of information which can not be obtained in the present manner.

Mr. HITT. Mr. Chairman, I do not desire to throw the proposed amendment out on a point of order myself, but it seems to me that in view of the way this whole service has been treated—the organization of both diplomatic and consular branches, the spirit that has animated the committee, and the nature of the duties of these functionaries—the pay proposed is beyond the rule or usage of the Congress. There is no statement in the amendment, as offered, concerning the duties of

these gentlemen, except that the title calls them "commercial attachés," and it is incidentally mentioned that their duties shall include the inspection of consulates.

That inspection is already provided for, because every consul-general, by the consular regulations, is made an inspector of consulates, and is required to inspect them and to report. More than that, this House has again and again put into this consular and diplomatic law provision for inspectors of consulates, who have been sent out. Afterwards, upon examination of their work, there was grave doubt as to whether it should be continued; and they have been discontinued. This was discussed very fully when Mr. Bayard endeavored to have the House establish a corps of inspectors composed of a considerable number.

Now, each of these six men is to have \$5,000 salary, and then five of the six are to have \$2,000 each allotted for expenses, etc. That is a large amount of money to pay to a public servant for duties with which we are quite familiar.

Mr. GILLET of Massachusetts. I simply desire to add we appropriated \$30,000 in the legislative bill for similar agents.

Mr. HITT. Recently?

Mr. GILLET of Massachusetts. This last year.

Mr. HITT. These agents proposed to be established now are attachés. The title is "attachés of embassies." An attaché is always considered inferior in rank to a secretary. We have never given half of the sum which is mentioned, \$7,000, to a secretary of legation. These commercial attachés of embassies are familiar to anyone who has served in Europe. We have never had them in our service. The attachés of the British embassy and the attachés all around the world of all the great nations are generally young men, lively and energetic, and are expected to make valuable reports. This proposition would pay to men who would be subordinates as much as you pay men at the head of the whole diplomatic service. The man now at the head of the diplomatic service, practically, is the Acting Secretary of State, Mr. Loomis, and he is paid \$4,500 a year. There ought to be some adjustment. Three thousand dollars is certainly enough.

Mr. CLARK. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question. Is not a bill pending in your committee now on this very subject?

Mr. GILLET of Massachusetts. In the legislative appropriation bill there is an appropriation of \$30,000 for similar service, and it has passed the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK. I ask that the gentleman's time be extended until he concludes his remarks.

The CHAIRMAN. The gentleman from Missouri asks that the time of the gentleman from Illinois be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HITT. This amendment, as I have said, gives no designation of duties. But this agent would be appointed by the President, and have to do what the Secretary of State should deem advisable. That is not the language in which we create important offices. The President's word should be taken as given in his message and inserted right in the amendment; it should state "To prepare for the Department of Commerce and Labor reports upon commerce and manufactures and upon kindred topics." That much at least should be inserted. Attachés to embassies are not men who work under the eight-hour law. Their duties are not so onerous as may be supposed, and ought to be specified. These men should be required promptly and regularly to report to the Secretary of State. The gentleman referred to the responses that have been received from the embassies and consulates on this subject.

I have those documents in my hand. They are very far from unanimous. The chief embassy in the world as concerns our foreign commerce is that at London, and the consul-general there is also one who is in a certain sense the head of that service there, and the service in the British Empire is about one-half of all our foreign service. This ambassador, Mr. Choate, thinks that this is doubtful, if not unnecessary; that it will not justify the expense; that they will not work in harmony. The consul-general says that it will discourage consuls to have a diplomatic officer revising, cutting out, adding to, and modifying their reports. The consul wants his own name upon his own report. We have a very plain system now. The reports are received; they are carefully collated and edited; the best parts picked out and selected, and you get them on your tables, every one of you, in the morning mail, with the name of the consul who made the report. I know many of those consuls personally. I know what a great stimulus is given to them when they know that their work is being put daily before the eyes of those who scrutinize it and they receive credit or discredit for it.

Now, the London consul-general says that efficiency would not be increased by this system. It is not a perfectly clear question. It is one which everybody ought well to consider. I did not



make the point of order, but if the gentleman does not modify his amendment I will be compelled to make the point of order.

Mr. GILLETT of Massachusetts. I make the point of order.

Mr. HITT. My colleague from Illinois tells me he accepts my amendment, which specifies the duties in the language of the President.

Mr. GILLETT of Massachusetts. The point of order is reserved.

Mr. MANN. Mr. Chairman, there is no one in the country better qualified to pass judgment upon this matter, in my opinion, than the very distinguished gentleman whom I am proud to have as a colleague from Illinois, the chairman of the committee reporting this bill. I have not only great esteem for his services, but a very high opinion of his judgment. I will not, so far as I am concerned, propose an amendment against his judgment. The gentleman from Massachusetts [Mr. GILLETT], however, has called attention to the fact that the Committee on Appropriations has already appropriated \$30,000 to employ commercial agents by the Department of Commerce and Labor.

I think there is no one on this floor who is a better friend of the Department of Commerce and Labor than I am, or who has greater interest in it; but I have not the slightest hesitation in saying that \$20,000 appropriated in this manner would be worth more than \$40,000 appropriated in the manner which the gentleman from Massachusetts has acquiesced in.

The trouble is that the commercial agents who will be sent abroad will do no service except what they themselves perform, while if these commercial attachés were employed it would live up and strengthen the work done by the consular officers. We need the service.

It is true that this matter was not presented to the House in time for full consideration by the committee, but it was sent here by the President as soon as it was possible for the Department to formulate its ideas. I wish to say one word on the subject of salaries.

My colleague called attention to the fact that the salary proposed here was \$5,000, as against \$4,500 received by the Assistant Secretary of State, who is at the head of the consular work; but the recommendation comes from Mr. Loomis himself. He is the one who has made the recommendation, and if he was willing to recommend it while getting a salary of \$4,500 himself, we ought not to object because they are paid higher salaries than he is. They may be paid too high salaries intrinsically, but these gentlemen would earn the salary they receive if the right kind of material for the service was selected.

But, Mr. Chairman, in view of the position, and I think the very natural position taken by my colleague, I ask unanimous consent to withdraw the amendment.

Mr. DINSMORE. The gentleman from Illinois states that they would earn this generous salary which is provided in the amendment. I should be glad to have the gentleman explain to the House in what way they would earn that salary—in what way the accession of these men to the service would be valuable to the service. I confess that I have not been able to see it myself. I am willing always to be as liberal to the service as is warranted by its interests, but I must confess that I have not been able to appreciate the necessity for this set of men suggested by the Assistant Secretary of State. I should like to hear from the gentleman from Illinois, who has so ably explained these things, of what great value they would be to the service if we have an efficient corps of consuls, which I am convinced we have, how these men could be worth as much as his generous amendment provides.

Mr. MANN. Mr. Chairman, so far as the "generous" salary is concerned, permit me to say once for all that after having drawn a salary from the Government of \$5,000 a year myself, I do not consider that it is such a very generous salary.

Mr. DINSMORE. As compared with consular salaries, it certainly is generous.

Mr. MANN. The gentlemen who would be sent abroad on a mission like this, if they were the right material, would equal in caliber the average gentleman in this House who now receive \$5,000 a year, and who are not required to travel abroad; and if these gentlemen were of the right material, if this Government were able to furnish the material that we deserve to have furnished to the business interests of this country, they would be well worth more than \$5,000 a year.

Mr. DINSMORE. But, if the gentleman will pardon me, I should like to remind him that we have not heard from him yet what great service they are going to perform.

Mr. MANN. If the gentleman will pardon me, he was not in his seat when I explained the service, and that was not my fault.

Mr. DINSMORE. Oh, yes; I was in my seat, but I have not heard the gentleman explain.

Mr. MANN. The gentleman was not in his seat when I first spoke. The gentleman had been called out for a few moments.

Mr. DINSMORE. I certainly have not heard any explanation which was satisfactory to my mind.

Mr. MANN. The gentleman did not hear what I said, because he was not in his seat when I made the explanation.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection? There was no objection.

The Clerk read as follows:

#### INTERNATIONAL UNION OF AMERICAN REPUBLICS.

Commercial Bureau of American Republics, \$36,000: *Provided*, That any moneys received from the other American republics for the support of the Bureau, or from the sale of the Bureau publications, from rents, or other sources shall be paid into the Treasury as a credit in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau: *And provided further*, That the Public Printer be, and is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 5,000 copies, for distribution by the Bureau every month during the fiscal year ending June 30, 1906.

Mr. PERKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "six," page 13, insert:

"*Provided*, That the Speaker of the House is requested to appoint a committee of three to investigate the expediency of the continuance of the Bureau of American Republics, or any changes that may be judicious in its organization, and to report thereon to the Fifty-ninth Congress.

Mr. HITT. I see no objection to the amendment, except that it is not ordinarily a subject of legislation to request the Speaker to appoint a committee.

Mr. PERKINS. I think there can be no objection on the part of anybody. It will involve the House in no expense, and it will obtain some useful information.

Mr. HITT. The objection is to putting it in the middle of an appropriation bill.

Mr. PERKINS. There is nowhere else to put it.

Mr. HITT. The gentleman might put it in a separate resolution.

Mr. PERKINS. Well, Mr. Chairman, I will withdraw the amendment and offer it later as a separate resolution.

The CHAIRMAN. Without objection, the gentleman from New York will withdraw his amendment.

There was no objection.

The Clerk proceeded and completed the reading of the bill.

Mr. ADAMS of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add at the end of the bill the following:

"That the consular system of the United States be reorganized in the manner hereinafter provided in this act and that such reorganization shall be begun within one year from the date of its passage.

"Sec. 2. That the classified consular service shall comprise the following: There shall be not more than two consuls-general of the first class, to be paid at the rate of \$10,000 each per annum; not more than eight consuls-general of the second class, at the rate of \$8,000 each per annum; not more than thirteen consuls-general of the third class, at the rate of \$6,000 each per annum, and not more than thirteen consuls-general of the fourth class, at the rate of \$5,500 each per annum; there shall be not more than thirty-seven consuls of the first class, to be paid at the rate of \$5,000 each per annum; not more than thirty-five consuls of the second class, at the rate of \$4,000 each per annum; not more than sixty consuls of the third class, at the rate of \$3,000 each per annum; not more than forty consuls of the fourth class, at the rate of \$2,500 each per annum; not more than thirty consuls of the fifth class, at the rate of \$2,000 each per annum, and not more than fifty consuls of the sixth class, at the rate of \$1,800 each per annum. Commercial agents and consular clerks shall be brought into the classification of the consular service under this act, and the existing titles or grades applicable to either shall thereafter cease.

"Sec. 3. That the offices of vice-consuls-general, deputy consuls-general, vice-consuls, deputy consuls, and consular agents shall not be deemed to be in the classified consular service, but shall be filled by appointment as heretofore, except that, whenever in his judgment the good of the service requires it, consuls of the fourth, fifth, and sixth classes, provided for in the second section of this act, may be designated by the President to act as vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls, and when so acting shall be eligible for promotion equally with other consuls of the fourth, fifth, and sixth classes. Vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls shall hereafter receive such compensation as shall be provided by law, and they shall not be compensated by any portion of the salaries of consuls-general or consuls.

"Sec. 4. That all fees, official or unofficial, received by any officer in the classified consular service, or any consular officer named in section 3 of this act, except as provided in section 9 hereof, for services rendered in connection with the duties of his office, or as consular or notarial officer, shall be accounted for and paid into the Treasury of the United States, and the only compensation of such officer shall be by salary fixed by law. Any consular officer violating any provision of this section shall be dismissed from the service and shall not be eligible for reappointment.

"Sec. 5. That the President shall classify the consulates-general and the consulates in accordance with the provisions of section 2 of this act, and after such classification shall have been made the classification of any consulate-general or consulate may be changed, or a new consulate-general or consulate created and placed in any class, the complement of which is not filled, by Executive order of the President.

"Sec. 6. That immediately after the classification required by the foregoing section shall have been made, the incumbents of the consulates-



general, consulates, commercial agencies, and consular clerkships who are included in the provisions of this act, then holding office, shall be assigned by the President to the various classes, as nearly as possible in accord with the salary they were receiving when said classification was made. The Secretary of State shall have power to instruct consuls-general to inspect and report upon the offices, conduct, and accounts of consuls, vice-consuls-general, deputy consuls-general, vice-consuls, deputy consuls, and consular agents.

"Sec. 7. That appointments shall be made to any of the said classes in the classified consular service either by original selection or by promotion, as the President may elect; but a person serving in any class may be transferred by the President's order to another place in the same class; and a consul-general or consul may, in like manner, be assigned to act temporarily in a class above or below that in which he holds his commission: *Provided*, That there shall be no change in the salary of the person affected by such transfer or assignment as a result thereof.

"Sec. 8. That the President is authorized to prescribe such regulations for the admission of persons into the classified consular service, and for promotions and transfers therein and for removals therefrom as will best promote the efficiency thereof.

"Sec. 9. That the provisions of this act shall not apply to consular offices the incumbents of which are accredited also as diplomatic agents of the United States, nor to minor consulates to which no salary is attached, which shall remain unclassified. The compensation of such minor consular officers shall be derived wholly from the fees accruing thereto: *Provided*, That the amount of said fees, official or unofficial, retained as compensation by any such unclassified consular officer shall in no case exceed \$1,000 per annum, and that all such fees received in any year in excess of such amount shall be accounted for and paid into the Treasury of the United States.

"Sec. 10. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed."

Mr. GROSVENOR. Mr. Chairman, to that amendment I make the point of order.

Mr. ADAMS of Pennsylvania. I would like to be heard upon the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. ADAMS of Pennsylvania. Mr. Chairman, we have before us a bill for the appropriation of salaries for the members of the diplomatic and consular service. The amendment offered is germane to the subject, is a proper amendment, and can not come under the head of new legislation, because we have the legislation before us. It was the law last year, and the amendment is offered simply to regulate the salaries and the classification of the consuls that already exists by law. The amendment is absolutely germane to the bill now before the House. It is not new legislation in the sense that it creates new law, because it amends the law as it already exists in this bill. It is a proper amendment, in my judgment, to come up at this time.

The CHAIRMAN. The Chair is ready to rule. The Chair sustains the point of order.

Mr. THOMAS of North Carolina. Mr. Chairman, I move to strike out the last word.

Mr. HITT. Mr. Chairman, I desire to ask unanimous consent of the House to permit the gentleman from North Carolina to proceed for fifteen minutes. It was agreed that the gentleman should have that time this morning in general debate, but this bill was suddenly called while he was absent on other duty. I make this request to keep faith with him.

The CHAIRMAN. The gentleman from Illinois asks that the gentleman from North Carolina may proceed for fifteen minutes. Is there objection?

There was no objection.

Mr. THOMAS of North Carolina. Mr. Chairman, I avail myself of the latitude afforded in general debate upon an appropriation bill and of the privilege accorded to me by the distinguished and courteous gentleman from Illinois [Mr. HITT], chairman of the Committee on Foreign Affairs, to discuss a subject which is of much interest to me, the people of my State, and the people of the South. Whether this subject will be of interest at this particular time to the committee and the House I am unable to say, and I regret that I have not been able to give the subject that thorough and adequate preparation which a full and careful and accurate discussion of it demands. The subject I shall discuss, however, is appropriate to the diplomatic and consular bill now under consideration. I propose to discuss, in the time allotted to me to-day, the old and familiar subject of reciprocity. This subject is so comprehensive, involving as it does to some extent a revision or modification of our tariff laws, and in the opinion of some involving also the constitutional and legal question of the right of the President to negotiate reciprocity treaties, that a thorough investigation and presentation of it would require more time and greater research than I have been able to give to it. I shall, therefore, Mr. Chairman, confine my remarks to-day to certain phases of the question of reciprocity, which has been so often discussed in recent years, and specially address my remarks to the so-called Kasson treaties negotiated by Mr. Kasson with France and other countries, under and by virtue of the authority of the Dingley tariff law, approved July 24, 1897.

I have been much interested in the negotiation and ratification of the reciprocity treaty with France, and I regard that treaty

between the United States and France as of the utmost importance to the whole country, and especially to that section of the country in which I live—the Southern States. A full discussion of reciprocity would involve an examination of the policy of reciprocity as outlined by Thomas Jefferson, the earlier reciprocity treaties of the country, including that with Canada negotiated by the Democratic President, Franklin Pierce, the movement for reciprocity under the administration of President Benjamin Harrison as advocated by the Hon. James G. Blaine, and it would involve further the presentation of the reciprocity idea under the McKinley tariff law and subsequently the Dingley tariff law, and would come down to the ratification by act of Congress of the reciprocity treaty with Cuba under the Roosevelt Administration. However, I do not intend to fully discuss this important question, but merely to outline some phases of it and speak especially with reference to the benefit and advantage of the ratification of the Kasson treaty with France, from which I understand the injunction of secrecy has now been removed.

This discussion must necessarily, except from the standpoint of tariff revision and insofar as reciprocity might affect the tariff, be nonpolitical and nonpartisan. Both political parties represented upon the floor of this House have declared in favor of reciprocity with foreign countries, on terms favorable to American interests, in their latest platform declarations upon this subject. The National Democratic Convention held at St. Louis July 8, 1904, declared: "We favor liberal trade arrangements with Canada and with peoples of other countries, where these can be entered into with benefit to American agriculture, manufactures, mining, or commerce." The National Republican Convention in its platform adopted at Chicago on June 22, 1904, declared: "We have extended widely our foreign markets and we believe in the adoption of all practicable methods for their further extension, including commercial reciprocity wherever reciprocal arrangements can be effected consistent with the principles of protection and without injury to American agriculture, American labor, or any American industry."

I confess that this latest declaration of the Republican party upon the subject of reciprocity seems to be a broad and glittering generality, but I wish to-day to appeal to Republicans, if they will not give to the people some measure of relief as advocated by some of the Republican party, by means of a proper revision of tariff schedules, that they will at least extend to the American people such relief by means of reciprocity treaties as will open up new markets for the products of our farms and factories, and enable the farmers and manufacturers of the United States to dispose of their surplus products. Unless some such course is pursued by the Republican administration, and if the exactions of the high rates and schedules of the Dingley tariff law are continued, the effect must be that retaliatory measures will be resorted to by the other nations of the world and we shall lose new and valuable markets for American agricultural products and manufactures.

One hundred years ago Mr. Jefferson declared that the choice was between reciprocity or retaliation, and so to-day if the high rates of the Dingley tariff law be maintained, you, gentlemen of the majority, must choose between reciprocity and retaliatory measures by other nations. Sooner or later you must advocate commercial fair play and peace instead of commercial exclusiveness, or you will have commercial war. Jefferson understood this governmental principle; Blaine foresaw it, and President McKinley, who, though dead, still possesses and deserves the respect and confidence of the American people, advocated it. In his last and celebrated speech at Buffalo McKinley said:

"We have a vast and intricate business, built up through years of toil and struggle, in which every part of the country has its stake, which will not permit of either neglect or undue selfishness. No narrow, sordid policy will subvert it. If, perchance, some of our tariffs are no longer needed for revenue, or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad? Our industrial enterprises, which have grown to such great proportions, affect the homes and occupations of the people and the welfare of the country. Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more."

"A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security and suppose that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. We should sell every-



where we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor. The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times. Measures of retaliation are not."

Thus spoke William McKinley after four years of deliberation, and I say to you again to-day, gentlemen, in discussing this old and hackneyed subject, and from my investigation of it, that sooner or later we must have stagnation in our home markets and commercial war, or reciprocity and industrial expansion.

The policy of reciprocity is neither a Republican nor Democratic policy. It is more an economic question. It should be an American policy. It is no new or untried experiment. In the early history of the country, during the first administration of Washington, in 1793, Mr. Jefferson submitted a report presenting the conditions of our commerce of that day. Small as it was, the restrictions upon the trade and upon our vessels engaged in it were various and vexatious. In his report Mr. Jefferson recites these restrictions and asks the question, "In what way can they best be removed, modified, or counteracted?" He answers the question as follows: "As to commerce, two methods occur—first, by friendly arrangement with the several nations with whom these restrictions exist, or, second, by legislation counteracting their efforts." There can be no doubt but that, of these two, friendly arrangements are preferable with all who will come into them, "and we should carry," said Jefferson, "into such arrangements all the liberality and spirit of accommodation which the nature of the case will admit. France has, of her own accord, proposed negotiations for improving, by a new treaty on fair and equal principles, the commercial relations of the two countries." (See annals of the Third Congress, first session.)

We also, by treaty, made a reciprocal trade arrangement with Canada under the Administration of Franklin Pierce in 1854, and this treaty existed from 1855 to 1866. Under this treaty our export and import trade with Canada largely increased. I have not the time now to devote to the discussion of this subject. I believe it is generally admitted that this treaty was favorable to American interests, but with the outbreak of the civil war and the growth of protection sentiment in the country the treaty was nullified when it should have been modified or amended. The result up to date has been that we have not only lost the Canadian market for many of the products and manufactures of this country, but that the Dominion of Canada has recently allowed to the manufactures of the mother country a discriminating tariff 33 per cent lower than that which is applicable to our goods. Since the abrogation of this treaty various efforts have been made in the direction of Canadian reciprocity, various treaties have been proposed from time to time on the part of the Canadian government, and various negotiations have been held. All these efforts, however, have been abortive.

Among the most interesting efforts to promote better commercial relations with Canada has been the work of the so-called Joint High Commission, which is still nominally in existence. This body was appointed by the governments of Canada and of the United States to settle all points in dispute between the two countries. These included reciprocity, the Alaskan boundary, the fishery question, and others, but while the question of reciprocity has been discussed by this Commission nothing up to date has been accomplished, and efforts to secure Canadian reciprocity have been mainly confined to commercial organizations, and the subject has been discussed and agitated in this Congress by my distinguished friend from Minnesota, Governor Lind, and by the able member representing in part the city of Boston upon this floor, Mr. SULLIVAN.

The second experiment made by the United States with reciprocity as a policy was undertaken in 1876 with Hawaii and continued without intermission until 1900, when we finally annexed the Hawaiian archipelago to this country. The Hawaiian treaty, however, has no similarity with the treaty with Canada or the proposed Kasson treaty with France. The Hawaiian treaty especially interested and affected the country with reference to its effect upon the production and sale of sugar. It is not proposed to do more than simply allude to this treaty, as the discussion of reciprocity as it might affect the sugars of the country, either the cane-sugar industry of Louisiana or the beet-sugar industry of the Northwest and West, is a subject of not only vast importance, but magnitude, and would require more exhaustive investigation and discussion than it is my purpose to undertake.

Under the McKinley tariff act of 1890 a series of treaties

were framed with a view to securing larger markets and reciprocal trade with Brazil and other countries, authorizing the President to suspend by proclamation the provisions of the McKinley tariff act relating to the free introduction of sugar, molasses, coffee, tea, and hides, whenever he should be satisfied that the countries exporting such articles imposed upon the United States reciprocally unequal and unreasonable duties. These treaties with South American countries, however, were regarded by the Democratic party as sham reciprocity, pretending to establish closer trade relations, and reciprocity in agricultural products chiefly, while the exorbitant and prohibitive tariff taxes upon manufactured articles were continued. The Democratic party has been charged with an abandonment of its time-honored policy of reciprocity under the provisions of the Wilson bill. The provisions of the McKinley tariff law with reference to reciprocity were abrogated, but the Democratic theory was that the McKinley tariff law recognized the principle of retaliation, which was bad policy, and thereby countenanced the policy of other countries retaliating against our tariff duties. When the Dingley Act was passed, President McKinley, under the general power vested in him, appointed the Hon. John A. Kasson, of Iowa, a special commissioner for the negotiation of reciprocity treaties.

Under the authority vested in him Mr. Kasson negotiated treaties with the British and Danish colonies, Nicaragua and Ecuador, and France. Of these treaties the most important, and the treaty which more particularly illustrates the value of reciprocity to the country, was the French treaty. This treaty has been the subject of very wide public interest. Its ratification would be of incalculable benefit to the people of the whole country and especially to the South. France has what is known as the maximum and minimum tariff for the same articles. Certain imports of raw materials are free, like cotton and wool, that her manufactures of these articles may compete with other nations on equal terms. On some other articles there is but a single rate of duty. The French minimum tariff is only granted by France to those countries making to her concessions which can be effected only by reciprocal treaties. To-day, by means of such treaties every country in Europe, except Portugal, enjoys the benefit of the French minimum tariff. It was found in 1897 and 1898 that our European competitors supplied France annually with \$120,000,000 worth of manufactured goods. The United States supplied less than \$4,000,000 worth, while England and Germany alone supplied about \$75,000,000 worth.

Upon investigation it was found that France would take her supplies from the United States as willingly and readily as from Germany or Great Britain. We had been friends for more than a century. The ties between France and our own country had been cemented by the patriotic action of Lafayette and Rochambeau in the war of the Revolution, and from Washington's Administration down France had shown a willingness to make reasonable commercial arrangements with our Republic. Negotiations were begun and prolonged by Mr. Kasson for more than a year. They were concluded in July, 1899. The French treaty was the result. That treaty, after various extensions, expired by limitation on September 24, 1903. The French treaty gives the American interests the maximum of benefit and the minimum of injury. The United States was given the benefit of the entire French minimum tariff list, excluding only 19 enumerated articles. The United States concessions, on the other hand, excluded 337 dutiable articles of the United States tariff list. The great majority of the United States concessions were at the rate of only 5 per cent of the present duties. The average rate was only 6.8 per cent. Many of the French articles were those of which we do not produce the kinds or the particular quality, as certain gloves, laces, perfumes, and articles of Paris. The concessions made by France to us in that treaty amount to from 26 to 48 per cent average. That treaty includes the "most-favored-nation" clause. We are granted the lowest rates of duties now granted, or which may hereafter be granted, to similar articles of any other country.

I will offer as a part of my remarks a statement made by Mr. Kasson containing memoranda of facts relative to the French treaty, comparing the concessions made by each country and showing the benefit of the treaty to the various sections of the United States. But this treaty would be of especial benefit to the people of the South. Under it one of the great products of the South, cotton-seed oil, is granted the lowest rate of duty, and the ratification of this treaty would mean to the southern cotton-seed oil mills and cotton farmers of the South millions of dollars in the export of our cotton-seed oil to France. The scope and extent of the cotton-seed oil industry in the South has been very fully and accurately set forth by the Census Bureau in a recent pamphlet. The growth of the cotton-seed oil industry has been remarkable. There are 357 establishments in the United States engaged in the extraction of cotton-



seed oil. The total value of the product, according to the Census statistics, was in 1902 more than \$42,000,000. Cotton-seed oil mills are located in close proximity to the ginneries, and the industry is constantly becoming of more and vital importance to the cotton-growing districts of the South. They afford a new avenue of employment to the people and an opportunity for the investment of capital. What was once considered waste material is becoming a mine of wealth to the southern people.

The ratification of the reciprocity treaty with France, negotiated by Mr. Kasson, would enable us to ship more largely cotton-seed oil and open up a new market for this great product of the South in France, that country being the largest buyer among European countries. In the ratification of this treaty every cotton farmer who disposes of his cotton seed and the entire cotton-seed-oil industry of the South is interested. In the examination of Mr. Kasson before the Senate Committee on Foreign Relations the importance of this great industry is fully set out. Mr. BACON, of Georgia, speaking of cotton-seed oil, asked Mr. Kasson the question: "What is the amount of the export of cotton-seed oil from this country annually—about?" Mr. Kasson: "In 1898 it was over \$3,000,000 to France and in 1899 over \$4,000,000." Mr. BACON: "What is the amount to all Europe in gallons and value?" Mr. Kasson: "In 1899 we exported to the world over 50,000,000 gallons, to the value of \$12,000,000, Europe taking over 90 per cent of our total export. France is the largest single buyer." The concessions offered by the United States in the French treaty do not exceed the reduction, by means of reciprocity authorized by the Dingley Act, of 20 per cent, and of the \$25,000,000 worth of articles, manufactures and products of the United States affected by the concessions offered by the United States in the treaty, the concession of 5 per cent only applies to \$17,000,000 worth.

The treaty, as I have said, gives us the maximum of benefit and the minimum of injury. I trust that it will be the policy of the Committee on Foreign Affairs of the Senate to renew such treaty and that the influence of the Committee on Foreign Affairs of the House may be used to that end in order that the people of my section, as well as of the whole country, may receive the benefits of it. I will append a statement of the articles of interest to various sections of the country which will be benefited in the increase of export trade by the ratification of this treaty. It is not a political but an economic question. The main opposition to its ratification arises from those who cling to the high schedules of the Dingley Act as a sort of fetish, utterly ignoring the fact that the same Dingley Act provided for its own tariff reduction by 20 per cent for the express purpose of protecting the exports of our surplus production. As Mr. Kasson well said, "You accept one part of the tariff law and repudiate the other." Of course all reciprocity treaties are based upon mutual concessions. The opposition to the treaty came mainly from the cheap jewelry manufacturers of New England and other parts of the country. These and no other industry or manufacturing interests would be affected to any appreciable or great extent, while the benefits to every section of the country in the increase of our agricultural and manufactured exports would be incalculable.

I appeal to the majority of this chamber, if we are not to have a freer trade relations by means of a revision of the high rates of the Dingley tariff law, at least for favorable action upon the treaty of reciprocity with France negotiated by Mr. Kasson. It will be a great stroke of governmental policy which would redound to the interest of the whole country and to the credit of the Administration. Its benefits would be especially felt in the enlarged markets opened to the Southern cotton-seed oil mills and the higher prices paid for the products of the Southern farm. The South has entered upon a new and marvelous era of industrial development. Arising from the poverty and desolation of the civil war, having reconstructed her whole social, industrial, and political fabric, having rebuilt her homes and restored plantations ruined by the blight of war, she has entered upon a marvelous development of manufacturing interests. She has within her borders the world's supply of cotton, iron, coal, and timber. With the raw material right at her doors the world's great cotton factories must eventually do their work in her midst. Her marvelous progress is well set forth in the recent very able speech of Representative BOUTELL on January 29, in New York City, in which he gives some facts as to the South's marvelous progress. I quote from Mr. BOUTELL:

#### MARVELOUS PROGRESS.

Between 1880 and 1900 the South's investment in agriculture increased 72 per cent, while that of the rest of the country increased 65 per cent. The value of farm properties in the South advanced from \$2,300,000,000 to \$4,000,000,000, and the annual value of farm products from \$660,000,000 to \$1,300,000,000. The railroad mileage has increased from 20,600 to 52,600 miles, and the value of exports has risen from \$260,000,000 to \$464,000,000.

Factories are springing up all over the South, and North Carolina bids fair to rival Michigan in the output of furniture. In the manufacture of cotton goods the South has made rapid and surprising progress. Massachusetts still holds first place among the States in cotton manufacturing, South Carolina now comes second, and North Carolina third. The total number of spindles in the Southern States is now about 7,700,000, an increase of 5,000,000 since 1896.

Marvelous as this progress has been, still greater is in store for the Southern States. The South is in full accord with the other sections of the Republic in the desire to solve rightly and righteously all national problems. Her loyalty to the Union was manifested in the late war with Spain, when the sons of those who had worn the gray marched side by side with the sons of those who had worn the blue, in defense of a common flag and for the cause of Cuban independence. There is one political or economic question, one problem alone in the solution of which the people of the South differ and must forever differ from some of their brethren of the North, and that is the solution of the race question. This can be solved by recognizing the fact that in the South there are two alien races—the whites and the blacks—between whom, as said by the gentleman from Illinois [Mr. BOUTELL] in his late speech, there can be and there must be no fusion. Maintaining the integrity and supremacy of the Anglo-Saxon race, we are ready to cooperate with the people of the North in the solution of all questions affecting the honor and prosperity of the country in a spirit of patriotism. Our progress is, in part, the progress of the whole country. Our interests are the interests of the people in the North and the West. Grant us legislation or reciprocal agreements with other countries, including France, which will extend and enlarge our trade and give us greater commercial advantages, and it will be, gentlemen of the dominant party, one of your greatest strokes of administrative policy. You can accomplish this in part by lending your aid and influence to the ratification of the proposed treaty of reciprocity with France. [Loud applause.]

Mr. Chairman, by leave of the committee I append to my remarks a memoranda of facts relating to the French treaty prepared by Hon. John A. Kasson. I also submit a statement of the Census Bureau in regard to the cotton-seed products of the South, which will be specially benefited by this treaty.

#### MEMORANDA OF FACTS RELATING TO THE FRENCH TREATY.

All but a few American products and manufactures are now subject to the maximum rates of duty in France. All the nations of Europe, except one small country, have by treaty secured the much lower minimum rates in France.

The United States alone among great commercial nations has remained under the much higher rates of the general tariff.

France imported in 1897 of manufactured goods over \$117,000,000 worth. The United States, of this vast amount, could only get in less than \$4,000,000, owing to this high discrimination against us.

Of this small amount, nearly one-half was furnished by the single interest making agricultural machinery. It is a market of 40,000,000 highly civilized people which this treaty opens to the enterprise of the United States.

#### COMPARISON OF INTERNATIONAL CONCESSIONS.

The United States tariff act contains 705 numbers; of these, concessions are made on only 126 numbers, reserving 579 numbers untouched.

The French tariff contains 654 numbers; France reserves from the operation of the treaty only 19 articles.

The reduction in reciprocity authorized by the Dingley Act is 20 per cent.

Of the United States imports from France (1898), amounting to \$25,504,443, affected by concessions offered by the United States in the treaty—

The concession of 20 per cent applies to only	\$1,444,186
The concession of 15 per cent applies to only	968,767
The concession of 10 per cent applies to	5,971,207
And the concession of 5 per cent applies to	17,120,283

Thus it will be observed the average reduction of duties made by the United States is far within the limit fixed by the tariff law, being only 6.8 per cent, while the average reduction made by France, excluding mineral and vegetable oils, is 26.1 per cent, and including these oils is 48 per cent. In every case of reduction of our duty a real protective duty remains upon the article.

The treaty guarantees to all the products of the soil or industry of the United States (with the few exceptions named) the enjoyment of the lowest rates of customs duty payable upon entry into France or Algeria from any country—a reduction from the present maximum rates, ranging in a few instances as high as 100 per cent of the present duties, and averaging from 26 to 48 per cent.

France is thus prevented from giving a lower rate of duty upon any article or articles to another nation that does not immediately inure to the benefit of American exporters.

There are only nineteen United States articles excepted from the advantages of the treaty. These are mentioned specifically. Many of them, such as horses, fodder, sugar, chicory, eggs, honey, porcelain, lucern seed, etc., are of no importance in our export trade to that country.

Among the many United States interests specially benefited are the following:

Among agricultural products: Breadstuffs, meats, fruits, vegetables, etc., in all forms and conditions.

Wines and spirits.

Agricultural implements and machinery of all kinds.

Petroleum (crude, refined, and all its products).



Cotton-seed oil, cake, and meal.  
 Iron manufactures, including buildings, bridges, and parts thereof.  
 Wrought iron in all its forms.  
 Steel in all forms, including rails, structural iron and steel, wire, manufactures, etc.  
 Copper, lead, and other metals and alloys in bars, plates, sheets, tubes, wire, etc.  
 Copper sulphate.  
 Paints, colors, and inks of all kinds.  
 Starch and soap.  
 Lumber (rough, dressed, and manufactured).  
 Wood and wooden ware.  
 Furniture of all kinds.  
 Glass and glassware.  
 Yarns, cord, and cordage of all kinds.  
 Cotton, wool, and silk, and manufactures thereof of all kinds.  
 Clocks and watches and parts thereof.  
 Jewelry and imitation jewelry.  
 Machines and machinery.  
 Stoves of all kinds and boilers.  
 Needles, pins, cutlery, tools, etc.  
 Musical instruments.  
 Carriages and wagons of all kinds.  
 Cycles of all kinds.  
 Locomotives, engines, tenders, cars, and equipment of all kinds for railways and tramways.  
 And hundreds of other articles.

To enable Senators and Representatives to observe the relation of the pending treaty to the interests of their respective States, there is annexed hereto a list of leading articles of production, arranged by groups of States, which will receive the advantages secured by the convention with France, together with the reductions of duty thereon. The great majority are now excluded from entry into France by the high maximum rates of duty. They will enter under the minimum rates, and thus greatly increase our export trade.  
 The estimated annual increase of our exports to France, if the treaty is ratified, is from \$20,000,000 to \$30,000,000. Many orders to United States manufacturers are already notified, conditioned upon the ratification of the treaty.

*Reductions of duties on following United States goods entering France under pending French treaty.*

## ARTICLES OF INTEREST TO NEW ENGLAND STATES.

Articles.	Percentage of reduction.
Marble:	
Sawed.....	Free and 20 to 40 per cent.
Finished.....	20 to 25 per cent.
Articles of marble.....	25 per cent.
Tiles.....	30 per cent.
Stone.....	60 per cent.
Lumber and timber.....	28 to 40 per cent.
Shooks, staves, and hoops.....	30 to 40 per cent.
Fish (fresh, dried, smoked, pickled, or canned).....	15 to 68 per cent.
Textiles and all other manufactures of silk, wool, flax, hemp, etc.....	20 to 66 per cent.
Jewelry of all kinds.....	15 to 50 per cent.
Rubber goods.....	20 to 33 per cent.
Clocks and parts.....	25 to 37 per cent.
Watches and parts.....	40 to 87 per cent.
Machinery and tools of all kinds, except dynamos and machine tools.....	33 per cent.
Turbine and steam engines.....	23 to 46 per cent.
Instruments and apparatus (optical, mathematical, astronomical, surgical, chemical, and of precision).....	Free.
Sewing machines.....	30 per cent.
Cycles and parts.....	12 per cent.
Spectacles, eyeglasses, etc.....	16 to 50 per cent.
Sea and other vessels.....	16 to 60 per cent.
Tin bark.....	33 per cent.
Apples, fresh and dried.....	33 per cent.
Starch.....	18 to 33 per cent.
Paper.....	16 to 58 per cent.
Paper pulp.....	20 to 33 per cent.
Cotton cloths and knit goods of cotton <sup>a</sup> .....	23 per cent.

## ARTICLES OF INTEREST TO EAST CENTRAL STATES

Locomotives and cars and all railway supplies.....	16 to 48 per cent.
Steam engines and other engines.....	33 to 46 per cent.
Boilers.....	22 to 33 per cent.
Wagons and carriages of all kinds.....	16 to 26 per cent.
Cycles and parts.....	12 per cent.
Lead.....	7 to 16 per cent.
Paints and colors.....	17 to 28 per cent.
Copper and alloys (rolled, hammered, wire, and manufactures of).....	Free to 23 per cent.
Copper, sulphate of.....	25 per cent.
Varnishes.....	18 to 25 per cent.
Sewing machines.....	30 per cent.
Oils.....	20 to 83 per cent.
Petroleum.....	50 per cent.
Products of petroleum.....	12 to 50 per cent.
Machinery of all kinds, except dynamos and machine tools.....	33 per cent.
Stoves.....	33 per cent.
Iron, except pig, of all kinds and in all shapes.....	5 to 46 per cent.
Steel of all kinds and in all shapes.....	5 to 46 per cent.
Ink.....	20 per cent.
Glassware.....	16 to 33 per cent.
Paper.....	16 to 58 per cent.
Hops.....	33 per cent.
Brooms.....	20 to 29 per cent.
Musical instruments.....	16 to 33 per cent.
Buttons.....	14 to 33 per cent.
Brushes, etc. <sup>b</sup> .....	20 to 50 per cent.

<sup>a</sup> Of these, a small amount was exported by the United States to France under the maximum tariff.

<sup>b</sup> France imported 235,000 francs of brushes for her own consumption, of which 5 per cent came from the United States under maximum rates.

*Reductions of duties on following United States goods, etc.—Continued.*  
 ARTICLES OF INTEREST TO EAST CENTRAL STATES—continued.

Articles.	Percentage of reduction.
Apples, fresh and dry.....	33 per cent.
Celluloid.....	50 per cent.
Starch.....	18 to 33 per cent.
Paper pulp.....	20 to 33 per cent.
Milk (condensed, etc.).....	50 per cent.
Vegetables (fresh, dried, or preserved).....	20 to 25 per cent.
Beer and cider.....	25 to 28 per cent.
Spirits and alcohol.....	12 to 29 per cent.
Cotton cloths and knit goods of cotton <sup>a</sup> .....	23 per cent.

## ARTICLES OF INTEREST TO CENTRAL WESTERN STATES.

Meats:	
Smoked hams.....	50 per cent.
Bacon.....	50 per cent.
Sausage.....	50 per cent.
Beef, salted.....	10 per cent.
Preserved in tins.....	25 per cent.
Meat extracts.....	25 per cent.
Lard.....	37 per cent.
Cash registers.....	Lowest rates.
Margarin, oleo, and oleomargarine.....	28 per cent.
Sewing machines.....	30 per cent.
Agricultural implements and machinery of all kinds.....	41 per cent.
Stoves.....	33 per cent.
Wagons, carriages, and cars of all kinds.....	16 to 26 per cent.
Cycles and parts.....	12 per cent.
Lumber and timber of all kinds.....	28 to 40 per cent.
All manufactures of wood.....	14 to 60 per cent.
Furniture of all kinds.....	14 to 36 per cent.
Apples, fresh and dried.....	33 per cent.
Beer.....	25 per cent.
Coal and coke.....	Lowest rates.
Watches and clocks and parts thereof.....	25 to 87 per cent.
Wheat and grain of all kinds.....	Lowest rates.
Flour.....	Lowest rates.

## ARTICLES OF INTEREST TO SOUTHERN AND SOUTHWESTERN STATES.

Cotton-seed oil.....	Lowest rate (50 per cent).
Turpentine.....	50 per cent.
Rosin.....	40 per cent.
Pitch and tar.....	25 to 40 per cent.
Yellow pine.....	28 to 40 per cent.
Fertilizers.....	Free.
Cotton cloths.....	23 per cent.
Oil cake and meal.....	Free.
Fruits (fresh, dried, or preserved).....	20 to 66 per cent.
Nuts.....	100 per cent.
Mules.....	40 per cent.
Molasses, etc.....	20 per cent.
Wool, combed or carded, in the mass, dyed, and noils.....	20 to 29 per cent.
Hair.....	Free to 33 per cent.
Sponges:	
Prepared.....	23 per cent.
Other.....	Lowest rate.
Vegetables (fresh, salted, pickled, preserved, or dried).....	20 to 25 per cent.
Iron and steel, except pig iron.....	5 to 46 per cent.
Coal and coke.....	Lowest rate.
Nitric acid.....	100 per cent.
Spirits, brandy, and alcohol.....	12 per cent.
Paper pulp.....	20 to 33 per cent.

## ARTICLES OF INTEREST TO THE PACIFIC STATES.

Oranges and lemons.....	33 to 37 per cent.
Raisins.....	40 per cent.
Prunes.....	33 per cent.
Grapes.....	25 to 33 per cent.
Wines.....	41 per cent.
Brandy.....	12 per cent.
Fruits and vegetables (fresh, dried, canned, or preserved).....	20 to 66 per cent.
Lumber of all kinds and manufactures thereof.....	16 to 60 per cent.
Iron and steel ships.....	16 to 60 per cent.
Hops.....	33 per cent.
Copper, beyond the first fusion.....	23 per cent.
Lead.....	7 to 16 per cent.
Fish (smoked, pickled, preserved, tinned, or canned).....	16 to 68 per cent.
Paper pulp.....	20 to 33 per cent.
Borax.....	Free to 20 per cent.
Nuts.....	100 per cent.
Wheat and grain of all kinds.....	Lowest rate.
Flour.....	Lowest rate.

<sup>a</sup> Of these, a small amount was exported by the United States to France under the maximum tariff.

## MANUFACTURES—COTTON-SEED PRODUCTS.

Hon. WILLIAM R. MERRIAM,

*Director of the Census.*

SIR: I transmit herewith, for publication in bulletin form, a report of the manufacture of cotton-seed products in the United States during the census year, prepared under my direction by Mr. Daniel C. Roper, of South Carolina, expert special agent.

In view of the comparatively brief history of the cotton-seed-oil manufacture, its remarkable growth, and the great economic possibilities arising from the increased utilization of its products, it has been decided that the industry deserves more detailed treatment than is

given to the manufacturing industries in general, or than it has heretofore received.

This report is a departure from the lines usually followed in other bulletins reporting manufacturing industries, being peculiar in that no data relating to capital, wage-earners, and wages, miscellaneous expenses, or any expense for materials other than the cost of the cotton seed, are included. It is, in short, intended as a complement of and supplement to previous bulletins on cotton ginning issued from this office.

As fully explained in the text, the statistics here presented pertain only to the manufacture of crude cotton-seed oil and such by-products as oil cake and meal, hulls, and linters. Therefore the data should not be confused with those appearing under the classification, "oil, cotton seed, and cake." In the general statistics of manufactures by States and for the United States, since the latter include not only the statistics for the manufacture of the crude products, but also those for the refining processes. As further explained, also, the reason for including only the statistics of materials and products is that in a large proportion of the establishments reporting both operations are carried on, and it has been found impossible to separate the statistics in regard to capital, wages, etc.

From the report it appears that there were 357 establishments engaged in the extraction of cotton-seed oil in the United States, using 2,479,386 tons of cotton seed, costing \$28,632,616, an average cost of \$11.55 per ton. The total value of the products was \$42,411,835. The several products were as follows: Cotton-seed oil, 93,325,729 gallons, valued at \$21,390,674, which makes the average 22.9 cents per gallon; oil cake and meal, 884,391 tons, valued at \$16,030,576, an average of

\$18.13 per ton; hulls, 1,169,286 tons, valued at \$3,189,354, an average of \$2.73 per ton; and linters, 57,272,053 pounds, valued at \$1,801,231, an average of 3.1 cents per pound.

As the quantity of seed crushed was only a part (53.1 per cent) of the quantity produced, statistics for both are presented, the latter being 4,668,346 tons, valued at \$54,345,677, and the former 2,479,386 tons, costing at the mills \$28,632,616. The available and the actual value of the crude manufactured products are \$80,371,375 and \$42,411,835, respectively. The estimated value of the lint cotton produced during the census year is \$338,836,921. There is also presented the combined value of the lint and seed produced, \$393,182,598, and the value of the entire cotton crop, including the value of the available crude manufactured products from the seed, \$419,208,296. In addition to this data, complete statements of averages and percentages of the seed and its products are shown.

For comparative purposes a table of annual export of cotton-seed oil from an early period in its manufacture to the present is presented.

The cotton-seed oil mills are usually located in close proximity to the ginneries, and the industry is constantly becoming of more vital importance to the cotton-growing communities of the South. It offers a new avenue of employment to the people and affords increased opportunities for the profitable investment of surplus capital; it improves sanitary conditions by disposing of that which was formerly considered waste material and was either allowed to rot on the earth or was dumped into streams, thus polluting water supplies.

Very respectfully,

S. N. D. NORTH,  
Chief Statistician for Manufactures.

TABLE 1.—Number of establishments, quantity, cost, and average cost per ton of cotton seed crushed; and quantity, value, and average value per unit of products manufactured: 1900.

State or Territory.	Number of establishments.	Cotton seed.			Total value.	Products.		
		Tons.	Cost.	Average cost per ton.		Gallons.	Value.	Average value per gallon.
United States.....	357	2,479,386	\$28,632,616	\$11.55	\$42,411,835	93,325,729	\$21,390,674	Cents. 22.9
Alabama.....	27	172,093	2,019,085	11.73	2,952,254	6,704,951	1,520,894	22.7
Arkansas.....	20	190,015	2,245,710	11.82	3,188,812	7,224,971	1,644,465	22.8
Georgia.....	46	271,833	3,246,814	11.94	4,787,100	10,606,693	2,468,386	23.3
Indian Territory.....	6	26,415	297,939	11.28	446,078	931,885	207,251	22.2
Louisiana.....	21	250,983	2,833,767	11.29	4,397,891	9,692,640	2,222,762	22.9
Mississippi.....	41	394,678	4,577,995	11.60	6,671,031	15,033,565	3,364,278	22.4
North Carolina.....	20	107,660	1,313,063	12.20	1,880,015	4,388,277	979,637	22.3
Oklahoma.....	6	26,425	247,520	9.37	410,063	937,021	186,761	19.9
South Carolina.....	48	156,642	2,186,408	13.96	3,043,547	6,162,218	1,545,994	25.1
Tennessee.....	15	168,307	1,848,829	10.98	2,737,038	6,454,173	1,363,555	21.1
Texas.....	102	692,604	7,560,661	10.92	11,519,656	24,354,695	5,696,263	23.4
All other States <sup>a</sup> .....	5	21,731	254,225	11.70	378,350	894,640	190,548	22.8

State or Territory.	Products—Continued.								
	Cake and meal.			Hulls.			Linters.		
	Tons.	Value.	Average value per ton.	Tons.	Value.	Average value per ton.	Pounds.	Value.	Average value per pound.
United States.....	884,391	\$16,030,576	\$18.13	1,169,286	\$3,189,354	\$2.73	57,272,053	\$1,801,231	Cents. 3.1
Alabama.....	60,389	1,076,150	17.82	80,167	217,925	2.72	4,331,016	137,345	3.2
Arkansas.....	65,459	1,142,102	17.45	90,683	248,770	2.74	4,613,519	153,475	3.3
Georgia.....	91,637	1,713,038	18.69	132,344	405,581	3.06	6,398,830	200,095	3.1
Indian Territory.....	9,185	182,807	19.90	13,074	32,972	2.52	673,975	23,048	3.4
Louisiana.....	91,348	1,715,424	18.78	114,446	287,650	2.51	6,133,661	172,055	2.8
Mississippi.....	141,529	2,618,405	18.50	185,060	396,791	2.14	9,199,737	291,557	3.2
North Carolina.....	36,088	678,973	18.81	52,139	145,928	2.80	2,149,996	75,477	3.5
Oklahoma.....	9,481	163,785	17.28	12,424	40,897	3.29	525,550	18,620	3.5
South Carolina.....	57,986	1,169,645	20.17	71,542	217,886	3.05	3,223,892	110,082	3.4
Tennessee.....	59,613	1,045,795	17.54	79,858	196,105	2.46	4,058,473	131,583	3.2
Texas.....	252,983	4,371,377	17.28	328,119	975,489	2.97	15,544,379	476,527	3.1
All other States <sup>a</sup> .....	8,693	153,075	17.61	9,430	23,360	2.48	419,025	11,367	2.7

<sup>a</sup> Includes establishments distributed as follows: Florida, 1; Kansas, 1; Missouri, 2; Illinois, 1.

TABLE 3.—Exports of cotton-seed oil, 1870 to 1901.<sup>a</sup>

Year.	Gallons.	Value. <sup>b</sup>	Average value per gallon.	Year.	Gallons.	Value. <sup>b</sup>	Average value per gallon.
			Cents.				Cents.
1870.....	(c)	\$14,946	.....	1886.....	6,240,139	\$2,115,974	33.9
1871.....	(c)	140,577	.....	1887.....	4,067,138	1,578,925	38.8
1872.....	547,165	293,546	53.6	1888.....	4,458,597	1,925,739	43.2
1873.....	709,576	370,506	52.2	1889.....	2,690,700	1,298,609	48.3
1874.....	782,067	372,327	47.7	1890.....	13,384,385	5,291,178	39.5
1875.....	417,387	216,640	51.9	1891.....	11,003,160	3,975,305	36.1
1876.....	281,054	146,135	52.0	1892.....	13,859,278	4,982,285	36.0
1877.....	1,705,422	842,248	49.4	1893.....	9,462,074	3,927,556	41.5
1878.....	4,992,349	2,514,323	50.4	1894.....	14,958,309	6,008,405	40.2
1879.....	5,352,530	2,232,880	41.7	1895.....	21,187,728	6,813,313	32.2
1880.....	6,997,796	3,225,414	46.1	1896.....	19,445,848	5,476,510	28.2
1881.....	3,444,084	1,465,255	42.5	1897.....	27,198,882	6,897,361	25.0
1882.....	713,549	390,260	46.3	1898.....	40,230,784	10,137,619	25.2
1883.....	415,611	216,779	52.1	1899.....	50,627,219	12,077,519	23.9
1884.....	3,605,946	1,570,871	43.6	1900.....	46,902,390	14,127,538	30.1
1885.....	6,364,279	2,614,562	41.1	1901.....	49,356,741	16,541,321	33.5

<sup>a</sup> Commerce and Navigation of the United States.

<sup>b</sup> The value of cotton-seed oil, at the time of exportation, in the ports of the United States whence exported.

<sup>c</sup> Quantity not stated.



Mr. FLOOD. Mr. Chairman, I ask unanimous consent to print some remarks I have prepared on the bill introduced by the gentleman from Minnesota [Mr. TAWNEY] known as the "anticoupon bill."

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that I be permitted to speak for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may be granted five minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. Mr. Chairman, I do not intend at this time to proceed at any length in the discussion of the main propositions of the speech just made by the gentleman from North Carolina [Mr. THOMAS], but I want to make two suggestions to that gentleman, and will then ask permission of the House to extend my remarks upon those particular topics. First, I state to him that, taking the whole period of Canadian reciprocity, from the beginning of our first reciprocity treaty with Canada down to the present time, the record of our trade with Canada shows an abundance of profit when there was no reciprocity treaty and a sad diminution of profits when we had one. I will point out by the official figures that beginning with the ending of the reciprocity treaty with that power and coming down to to-day every year of the time has marked a distinct and decided increase in the trade between the United States and Canada, and it has been largely in favor of our export to Canada rather than our import from Canada.

Mr. WATSON. Is it not a fact, Mr. Chairman, that during the last reciprocity treaty we had with Canada our exports to Canada increased about 16½ per cent and that in the same time Canada's exports to us increased over 500 per cent?

Mr. LITTLEFIELD. Those are about the figures.

Mr. GROSVENOR. I will show the entire figures, making good my statement that we never made so bad a trade as we did when we went into it, and we never escaped from so great a commercial evil as we did when we got out of it.

My next proposition is that Canada does not want to have any reciprocity treaty with us, and it is not very customary for the United States to go hat in hand bowing at the doors of foreign countries, begging for reciprocity arrangements with them, for their benefit or for our own benefit. Very recently one of the representatives of the Canadian government, in a speech he made in Boston, declared that there was no sentiment in Canada in favor of a reciprocity treaty with us. Why not? I visited a great exposition at Glasgow. The United States was not represented there. There was not a single article of our production in the exposition. That was two years ago last fall. The exposition was not on a scale like that at St. Louis, but it was better than St. Louis in one respect, for it was a great financial success. I walked through the building where the Canadian exhibits were displayed, and I do not know of a single article of our production, whether in the line of manufactures of leather, of textile fabrics, of buggies and carriages, of agricultural implements, of all the vast catalogue of manufactured products, that was not exhibited in this Canadian exhibit. I said to myself then, what possible propriety can there be in Canada taking down the protection that her laboring men have, and, by a stronger reason, what propriety is there that the United States should do that thing?

Mr. THOMAS of North Carolina. Mr. Chairman, I have been very much interested in the statement made by the gentleman from Ohio [Mr. GROSVENOR], and I would be very glad indeed to see the figures put in the RECORD as to the alleged falling off of our export trade with Canada during the life of that treaty. I have been reading upon the subject of reciprocity a good deal lately. It is a subject of great importance and extent. I confess I am not as thoroughly posted as I ought to be as to the Canadian treaty, but my understanding is that our export trade very largely increased with Canada during the life of that treaty. Therefore, I should be very glad to see the statement made by the gentleman of Ohio [Mr. GROSVENOR] along that line. Another thing I desire to say to him is that I am not specially interested this morning in the treaty with Canada. I was discussing specially the possibility and advantage of the treaty with France. I would like to hear the gentleman on that treaty, because I believe that treaty gives us the maximum benefit, as I said in my remarks, and the minimum injury to American interests. The South, I believe, would be greatly benefited by it.

Mr. GROSVENOR. Mr. Chairman, I can not answer the gentleman's proposition in regard to the French treaty, because I am not sufficiently advised of the details of it. I know these

treaties were made by Mr. Kasson, who himself, I think, was not a very distinct representative of the American idea of protection, and I know the treaties fell into disrepute as soon as their contents were reported, and I know they are considered now to be practically obsolete.

Mr. THOMAS of North Carolina. He was appointed, as the gentleman knows, a special commissioner for the purpose of negotiating the treaty by President McKinley, who was a very strong advocate of the protection idea—one of the very strongest in the country.

Mr. GROSVENOR. Yes; that is true; there is no doubt about that.

In the first place, Mr. Chairman, I will exhibit here a striking table, showing the exports and imports of ten varieties of farm products through the custom-house at Detroit, Mich., and a like exhibit of ten farm products through the custom-house at Port Huron. These were under the first year of the Dingley law compared with the first year under the Wilson-Bryan tariff law.

*An object lesson showing how Republican tariff legislation benefits the farmers of Michigan.*

[These figures are official, and were furnished by the Bureau of Statistics of the Treasury Department.]

IMPORTATIONS OF TEN FARM PRODUCTS THROUGH CUSTOM-HOUSE AT DETROIT, MICH.

	First year under Wilson-Bryan tariff.	First year under Dingley tariff.
Barley.....bushels..	55,441	7
Beans and pease.....do....	132,920	2,008
Butter.....pounds..	4,783	3,028
Corn.....bushels..	17,896	90
Eggs.....dozen..	1,790,790	415
Hay.....tons..	258	8
Hides (raw).....pounds..	1,084,609	105,563
Oats.....bushels..	603	170
Potatoes.....do....	99,404	3,118
Wool.....pounds..	175,844	None.

IMPORTATIONS OF TEN FARM PRODUCTS THROUGH CUSTOM-HOUSE AT PORT HURON.

	2	None.
Barley.....bushels..	20,032	5,452
Beans and pease.....do....	1,656	691
Butter.....pounds..	10,024	224
Corn.....bushels..	1,949	20
Eggs.....dozen..	199	None.
Hay.....tons..	1,074,510	65,772
Hides (raw).....pounds..	125	3
Oats.....bushels..	36,435	617
Potatoes.....do....	27,411	None.
Wool.....pounds..		

Here is a striking exhibit of the effects of protection upon the farming interests of our country, and I state without qualification that of all the people engaged in industrial pursuits in the United States from the manufacture of textile fabrics in New England and in the South to and including the manufacture of all articles of wood, iron, and steel there is no class of people, no great interest, that receives so much benefit from the protective system as do the farmers of the country, and no set of people are so quickly and seriously injured by pulling down the "tariff wall," as it is called, as are the farmers of the country.

During the four years prior to the enactment of the Dingley law, which reinstated protection and repealed the Wilson law, by a table which was prepared by the Des Moines (Iowa) Register, which my friend from Iowa [Mr. LACEY] has furnished me, I find that the loss on the farm products of this country by the four years' duration of Democratic legislation was as follows:

*Four years' loss on farm products.*

Loss on farm animals.....	\$2,560,422,968
Loss on wheat crops.....	300,832,581
Loss on corn crops.....	363,725,658
Loss on oat crops.....	138,481,331
Loss on hay crops, three years.....	464,739,066
Loss on potato crops, three years.....	83,291,365
Loss on barley crops, three years.....	7,250,377
Loss on cotton crops.....	221,863,355
Loss on wool crops.....	111,272,023
Loss on tobacco crops, three years.....	29,873,517
Loss on rye crops, two years.....	1,864,142
Loss on buckwheat crops, two years.....	172,137

Total loss on four years' crops..... 4,283,787,520

It will be noticed that the losses on hay, potato, barley, and tobacco crops are only for three years—1894, 1895, and 1896—the official report stating in each instance that no statistics were gathered in 1892; therefore we were compelled to make the comparison with 1893. The total loss on the hay, potato, barley, and tobacco crops aggregated \$585,154,325, and taking one-third for the decrease in 1893 from 1892 would add \$195,051,441 to the aggregate losses on farm crops.

Besides, we have been unable to obtain details of the losses on skins and hides, hemp, flax, jute, vegetables—among which the value of beans and peas exported decreased \$1,563,466—broom corn, fruits, hops, rice, tallow, butter—on which the value of exports decreased \$2,923,000.

583—lard, poultry, eggs, and cheese—on which the value of the exports decreased \$6,002,993. It is probable that if we were able to obtain the full official figures showing the loss on every farm product, the aggregate loss during the four years would exceed over \$5,000,000,000, as still further indicated by the following official statistics, giving the annual loss in the value of the exports of farm products during the four years, taken from page 596 of the Yearbook of the United States Department of Agriculture, 1896.

*Loss on farm products—Exports.*

Year.	Total exports.	Decrease from 1892.
1892	\$799,328,232	-----
1893	615,382,986	\$183,945,246
1894	628,363,068	170,965,194
1895	553,210,026	246,118,206
1896	571,899,845	228,428,387
Total loss on 4 years' exports	-----	\$29,457,063

What was it, Mr. Chairman, that gave the mighty impulse to farming that we have experienced in the United States during the past seven years? It was the market, say you. Certainly the market. What made the market? Demand. What made the demand? Money to spend. From whence came the money? From the employment of labor. Why was labor employed? Because there was a market for its products. You may divide the population of this country into three great subdivisions—the manufacturer, the laborer, the farmer. When the manufacturer has a market for his manufactured goods the laborer has a market for his labor. When he has pay for his labor he buys the production of the manufacturer, and, moreover, he buys the production of the farmer. All this is a simple, easy problem, and every time you take off one dollar from the demand for the goods of the manufacturer you lessen the expenditure of money and you reduce the purchase of farm products. This is an old story, and every year strengthens the intelligent American in the belief of the justice and fairness of these figures and facts.

But now, then, how are we to be benefited by reciprocity with Canada? Canada produces the same things we do. Canada can produce everything we can north of the Mason-Dixon line. Canada can manufacture boots and shoes, pottery, steel, and iron just as cheaply as we can in this country, if she can furnish the genius and the labor and the money. You can not have reciprocity with Canada in competing articles without effecting one of two things. Either, first, the cheapening of our products in this country, or the closing of the markets for our products in Canada. The benefit of Canadian reciprocity is a dream; it has no foundation in fact. What can be put now upon a reciprocal footing? The New England man says coal, lumber, and other raw material of the New England manufacturer. If we did not produce any raw material in this country there would be some force in that suggestion, but we do. We would not be benefited in the main and would be damaged all along the line. These, however, are mere speculations of mine, and perhaps it would be better to resort to the facts which I said in the beginning I would produce rather than deal in generalities. I am relying very greatly upon the carefully prepared statistics in the very able and satisfactory speech of Hon. JOHN F. LACEY, of Iowa, in the House of Representatives in January, 1904.

From 1855 to 1866 we had a treaty providing for free trade between the United States and Canada in the "natural resources of both countries." These resources included breadstuffs, meats, fish, raw cotton, vegetables, fruits, poultry, eggs, hides, furs, skins, stone, dairy products, ores, fertilizers, lumber, wood, flax, hemp, tow, and unmanufactured tobacco.

Now, it will be seen that all these articles which we undertook to import from Canada free—every one of them—is a natural product of the United States in overwhelming abundance, not only sufficient for our own use as raw material, but sufficient for almost the world's consumption. During these years we remitted in duties upon Canadian imports under those schedules upward of \$70,000,000—to be accurate, \$70,152,163—and the balance of trade was against us in the same period \$28,134,749.

Let us look at this matter from another standpoint. We have, perhaps, in this country a population of nearly eighty-five million. They are consumers. They are consumers of raw material and of the finished product. Canada has about five million five hundred thousand. In the interest of a few men, who have already grown rich, it is proposed to pull down the restriction on the imports of these five million five hundred thousand and open up a market with eighty-five million consumers to them, while the best we could hope for would be the trade of five million five hundred thousand. This is enough in itself.

Now, let us see what has been the effect. During the fiscal year which ended August 31, 1903, Canada sold to us \$71,209,969.

During the same year we sold of our products, including cotton, unmanufactured tobacco, and other raw materials for manufacture, \$144,764,375 worth of stuff. In other words, the balance of trade was in our favor as 2 is to 1. Under reciprocity the balance of trade was against us over \$20,000,000 a year at the close of the period. Under present conditions the balance of trade is in our favor upward of \$70,000,000. From this aggregate of imports should be subtracted the Klondike gold, all of which, as I understand, is included in these figures.

Mr. Blaine comments upon that old reciprocity business and he is always pointed out by our Democratic friends as a champion of unrestricted reciprocity or Democratic reciprocity or reciprocity not the "handmaid of protection," but the "handmaid of free trade;" that is, Democratic reciprocity. Mr. Blaine, speaking of the old Canadian reciprocity treaty to which reference has been made, states as follows:

The selection of [commodities], as shown in the schedule, shows that there was scarcely a product on the list which could be exported from the United States without a loss to us, while the great market of the United States was thrown open to Canada without tax or charge for nearly everything which she could produce or export. All her raw materials were admitted free, while our manufactures were all charged heavy duty, the market being reserved for English merchants. The fishery question had been used adroitly to secure from the United States an agreement which was one-sided, vexatious, and unprofitable.

Some of our friends occasionally, unadvised as to the facts, will state that we are barring our products from Canada by insisting upon our protective system, while England is enjoying that splendid market upon a reduced tariff. It is true that England has a rebate of 33½ per cent on all her duties on goods imported into Canada, and her imports into Canada for the year 1902-3 amounted to \$65,408,020, while ours amounted to \$144,764,375, and yet we find our friends constantly crying out in favor of reciprocity in order to benefit us in our trade with Canada.

The whole history of this period places in juxtaposition the period of Canadian reciprocity and the period of our present tariff and is well illustrated by what I have shown by these figures.

Our platform of 1900 places ourselves in exactly the proper position:

We favor the associated policy of reciprocity so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets.

And as has been well said by Secretary Wilson:

Reciprocity may become the auxiliary of protection or it may become the assassin of that policy by admitting to our markets what we do produce which needs protection for the purpose of getting new markets for some of our products that we no longer require.

There is the whole thing in a nutshell, and when those two propositions are considered, the extract from the Republican platform and the suggestion of Mr. Secretary Wilson, you have a true interpretation of the practical dying declaration of William McKinley in his Buffalo speech when he defined reciprocity as "sensible trade arrangements which will not interrupt our home production." You can have no reciprocity with a country that produces the same raw material that our country produces without manifest injury to our country.

As to my second proposition to the gentleman from North Carolina [Mr. THOMAS], Canada is not asking for reciprocity with us and this cry for reciprocity is a begging, a cowardly begging of Canada to come to our aid; not our aid, but the aid of a few men who have not grown rich enough and who are not in quite sufficient domination of the markets of the United States to satisfy the craving of their ambition for munificent wealth and commercial domination, all of which must come to them at the expense of the farmer and the laborer of our country.

More than two years ago Mr. Charlton, M. P., in a speech made at a reciprocity convention in Detroit, used this language:

The call is with the United States. Canada has definitely and deliberately retired from taking the initiative.

And during the early part of this winter a member of the Canadian government in a speech at Boston distinctly served notice that his country was not asking nor expecting any change in the question of the tariff.

Each country is taking care of itself. Canada sees fit to hold out inducements to British free trade. Canada competes with us as best she can, and we are doing very well if we can only be let alone. Our legislation has enriched the farmers of the United States. Our legislation has enriched the laboring men of the United States. Our legislation is carrying the flag of our industrial supremacy far and wide into the markets of the world and seeking by fair business methods to secure a leading and still more leading position the world over.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. THOMAS of North Carolina. I make the same request, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio asks unani-



mous consent to extend his remarks in the RECORD, and the gentleman from North Carolina makes the same request. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. POWERS of Maine. Mr. Chairman, this ghost of reciprocity with Canada—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. POWERS of Maine. To make a few remarks on the same line as the gentlemen who have preceded me.

The CHAIRMAN. The Chair understands there is nothing pending.

Mr. POWERS of Maine. I move to strike out the last word. I do not trouble this House very much.

Mr. HITT. How much time does the gentleman from Maine desire?

Mr. POWERS of Maine. I will not take more than five minutes; probably not that much.

Mr. HITT. I ask unanimous consent that the gentleman be granted five minutes.

There was no objection.

Mr. POWERS of Maine. This ghost of reciprocity with Canada seems to be constantly and intermittently coming before the House. So far as the remarks of the gentleman from North Carolina related to any treaties other than the one with Canada. I have no time to consider them. I apprehend all of them are dead as Julius Caesar. Still, gentlemen on the other side, occasionally attempt to galvanize some life into them—and thus keep them before the country.

I shall confine my remarks to the treaty with Canada. Perhaps I should say "reciprocity treaty," as that is what its sponsors and advocates call it. A desire for reciprocity with Canada has been, and perhaps is now, quite a burning issue in a large city of New England. If the facts and real conditions were well understood, I apprehend it would settle the whole controversy. It is my deliberate judgment that Canada will make no treaty that will admit our manufactures or be, to any extent, beneficial to us. Besides I do not believe that the people of this country are demanding reciprocal relations with Canada on any basis. Some section, believing that it will be benefited by Canadian trade, or some persons interested in Canadian coal and lumber, may be, but it is local, and I might say personal.

I live in the immediate neighborhood of the Dominion of Canada. I remember distinctly the twelve years when we had reciprocity with Canada, and its baneful effects, and also the further fact that we abrogated it at the earliest time after the ten years it was to run elapsed. I recall also the fact that it was injurious to almost every one of the industries of my State, and injurious very largely to the people of the United States. That during that time, instead of having a large balance of trade in favor of the United States, as we have had since and had before, the balance of trade was largely in favor of Canada.

Mr. REID. If it is true, as the gentleman from Ohio states, that Canada's trade increased 500 per cent with the United States during that period, do you know why it is that Canada is opposed to reciprocity?

Mr. POWERS of Maine. I am coming to that in a moment. Canada is opposed to any such reciprocity as is desired by those who advocate it in this country. I have talked often with and know very well gentlemen who are high in the political counsels of the Dominion government, and I understand their position to be this, that if they can have our markets for what they call their natural products; if they can have our markets in which to sell their hay, potatoes, lumber, and fish, perhaps they would be most glad to make a treaty which would obtain this concession for them, but if to accomplish that result it is necessary to admit our manufactures, such as these desiring reciprocity with Canada want to have admitted into Canada, and thereby injure the manufacturing industries that they have been building up during the last ten or fifteen years, then they do not want and will not make any such treaty with the United States. I am opposed to any treaties such as can be made with Canada, first of all, because they will be injurious not only to my State but, I believe, to our people generally, and I am opposed to them, secondly, because the Canadian people will grant no reciprocity treaty except it be wholly one-sided. We have had twelve years of experience of reciprocity with Canada. It was not fruitful of good results. If I understand the gentleman who was advocating reciprocity, he said that this was not a party question, or it was not a Democratic or Republican question.

Mr. THOMAS of North Carolina. I said that it was more an economic question; that both parties had indorsed reciprocity.

Mr. POWERS of Maine. Perhaps it is; but if I recall matters right the Democratic platform of 1900 denounced reciprocity as a fraud and a humbug, did it not?

Mr. THOMAS of North Carolina. Mr. Chairman, it did not; it declared against sham reciprocity.

Mr. WATSON. That was the Democratic campaign handbook which declared against sham reciprocity.

Mr. POWERS of Maine. And that is one statement of the Democratic party I agree to.

Mr. WILLIAMS of Mississippi. The language was that it declared Republican reciprocity a sham and a humbug.

Mr. POWERS of Maine. Well, if we have any reciprocity at all, if the gentleman will permit me, I think it will be Republican reciprocity, from the outlook at present.

Mr. WILLIAMS of Mississippi. And will continue to be, Mr. Chairman, a humbug. [Applause.]

Mr. POWERS of Maine. I apprehend that it may from the gentleman's standpoint.

The CHAIRMAN. The time of the gentleman from Maine [Mr. POWERS] has expired.

Mr. POWERS of Maine. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Maine [Mr. POWERS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. POWERS of Maine. I have no objection to reciprocity which may bring into this country, free of duty, commodities that we can not with reasonable effort produce ourselves, but I do insist that the American farmer, manufacturer, and wage-earner should have the right to a reasonable protection or preference in our own markets.

While we seek foreign markets we should never lose sight of the fact that our own are the best in the world; that we not only have a greater variety of climate and productions, but that our people consume more per capita than those of any other nation. The products of Canada—which they desire to sell to us free of duty, and for which privilege they will give no adequate return, as we found during the twelve years of reciprocity—come in direct competition with the farming interests of all the States that border upon Canada from one ocean to the other, and also with the lumber industry of the whole country. The products of Canada and of these States are substantially alike. Our own farmers are amply able to supply our markets. They should be encouraged and protected quite as much as manufacturers or any other industry. Agriculture is the safest, best foundation upon which the prosperity and perpetuity of our nation rests. Canadian free lumber would not, in my judgment, be any special benefit to the consumer.

It would simply enable Canada to raise the price of stumpage on its timber permits, and would reduce the wages of a vast number of wage-earners employed in the business. I have no time to give reasons in detail, but will briefly call attention to one fact wherein the lumber business of Canada is different from what it is with us.

In the United States the timber lands are very largely owned by individuals and the policy and practice has been and is to sell. Canada rarely sells the land. It sells what it denominates timber permits, sometimes for a term of years, and in some cases without limit, the parties purchasing paying a certain sum each year per square mile, whether they cut or not, and when they cut they pay such a sum per thousand feet as the government determines—at least this is true of the Province of Quebec and the maritime provinces. Hence a reciprocity which takes the duty from Canadian lumber will, as it has before, simply raise the price of stumpage and the revenues of the Canadian treasury.

I do not believe it possible to conclude any treaty with Canada that will permit us to introduce our manufactures free of duty in consideration of our permitting them to have free access to our markets for the natural products of their farms, forests, and fisheries, and I make this statement advisedly, having talked the matter over more times than once with leading men of both parties in Canada.

Canada during the past twenty years has fostered and built up a great many manufacturing industries, and I say to gentlemen, whether they are here on this floor or in Boston, that so far as I have been able to learn the sentiment there, it is that for no consideration will they permit these industries to be struck down or crippled by free importations from this country or even from England. If the protective principle is right and for the best interests of the country, then Canadian reciprocity should be opposed by every Republican on this floor. If, on the other hand, it is robbery, as the platform of the party of the gentlemen from North Carolina declares, then his advocacy of this treaty is both consistent and a duty.

I live within 2 miles of the Canadian line. I know the people. I have associated with them many years. They are intelli-

gent, energetic, brave. They have a good government. They enjoy in marked degree the blessings of individual liberty and personal security under equal, just, and wise laws. Canada would make several splendid and prosperous States. But they prefer to remain by themselves; to hug the phantom of loyalty to the British Crown. They do not bear any part of our burdens. Such being the case, I do most earnestly protest against any legislation that shall transfer to them any of the prosperity that my district, my State, and many other States now have, and in so doing I know that I voice the sentiment of the people of my district, both Republicans and Democrats.

Mr. HITT, Mr. Chairman, the bill H. R. 18468 having been concluded, I move that the committee do now rise and report the bill to the House and recommend its adoption.

The committee rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 18468, and had directed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the last vote was laid on the table.

#### ANSWER OF RESPONDENT IN SWAYNE IMPEACHMENT CASE.

The SPEAKER laid before the House the answer of respondent, Charles Swayne, filed February 3, 1905, in the Senate of the United States, sitting as a court of impeachment, which is referred to the managers on the part of the House.

(For answer, see RECORD of February 3, 1905.)

#### INDIANS ON SHOSHONE OR WIND RIVER RESERVATION.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 17994.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent for the immediate consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

A bill to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect.

Mr. McMORRAN. Mr. Speaker, I object.

Mr. MONDELL. Will not the gentleman from Michigan [Mr. McMORRAN] withhold his objection for a moment?

Mr. McMORRAN. I will withhold it for a few moments, if the gentleman from Wyoming [Mr. MONDELL] desires.

Mr. MONDELL. I desire to say that I think there is nothing objectionable in the measure.

The SPEAKER. Is there objection?

Mr. McMORRAN. Mr. Speaker, I object, of course.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I reserve the right to object until I can hear something of the bill.

The SPEAKER. The gentleman from Michigan [Mr. McMORRAN] withholds objection until the gentleman from Wyoming [Mr. MONDELL], making the request, explains the measure.

Mr. MONDELL. If the gentleman from Michigan [Mr. McMORRAN] would give me an idea of the ground of his objection to the measure I would be very glad to discuss any matter that he objects to.

Mr. McMORRAN. I think the bill is of such a nature that it should be fully discussed before the Committee of the Whole House.

Mr. MONDELL. I propose to ask to go into the Committee of the Whole House.

Mr. STEPHENS of Texas. I would like to hear something regarding the bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House may resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17994.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent that the House resolve itself into the Committee of the Whole for the consideration of the bill the title of which has been read. Is there objection?

Mr. ROBINSON of Indiana. I have no objection to that, but the gentleman ought to provide for some discussion of the measure pending this motion.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I desire one moment. If an objection is made, can this bill be now considered?

The SPEAKER. It can not.

Mr. WILLIAMS of Mississippi. Now, from what I understand—and it is upon that point that I wish to interrogate the gentleman—this bill converts a lease into a grant of land.

Mr. MONDELL. I will say to the gentleman from Missis-

sippi [Mr. WILLIAMS] that the bill opens to entry, in accordance with a treaty made with the Indians, some lands on the Wind River Reservation. It comes here with the departmental indorsement. It is sent here by the Department for consideration of the treaty, and the bill is in line with the treaty. There is a provision in the bill allowing a party who had a coal lease at one time a preferential right to buy 640 acres of land on the reservation. As I understood it, that is the only point in the bill that anyone was objecting to. It is proposed to give abundant time for the discussion and consideration of that or any other question. There is no disposition to cut off debate.

Mr. LACEY. I desire to make just one suggestion. We have already passed this bill—that is, a bill almost identical with this—in the House, and while that was pending, and before finally being disposed of, a new treaty was made, and this new bill embraces the new treaty. The House has already disposed of this in a different form.

Mr. WILLIAMS of Mississippi. I am not referring to the bill generally. The point I mentioned is the very point mentioned by the gentleman from Wyoming [Mr. MONDELL], and that is the point of giving a grant to land which was virtually in lease.

Now, Mr. Speaker, I understand from the members of the minority of the committee, who are posted about its provisions, that they are willing that the matter shall be considered by the House, provided there is time to discuss and amend. Therefore I shall not interpose an objection. I do not interpose an objection in deference simply to their opinion, because they have had cognizance of the subject-matter and consideration of it and know more about it than I do. But the understanding is that the right to discuss the measure or amend will not be cut off.

Mr. MONDELL. It will not.

The SPEAKER. The request is that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill. Is there objection?

Mr. McMORRAN. A parliamentary inquiry. Is it practicable or rutable if the House go into Committee of the Whole to take up the bill itself regularly?

The SPEAKER. By unanimous consent. And, indeed, if the House were in Committee of the Whole, it could take up the bill on a motion, as the Chair understands it. It would come under Rule XXIV. Is there objection?

Mr. McMORRAN. I object.

#### BRIDGE ACROSS THE MONONGAHELA RIVER.

Mr. COOPER of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 18428.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to consider the bill which the Clerk will report by its title.

The Clerk read as follows:

A bill (H. R. 18428) to authorize the Leckrone and Little Whiteley Railroad Company to construct and maintain a bridge across the Monongahela River.

Mr. WILLIAMS of Mississippi. Reserving the right to object, is this the usual bridge bill, with the usual provisions, approved by the Secretary of War?

Mr. COOPER of Pennsylvania. It is approved by the Secretary of War, and the committee has made one amendment, on page 4, section 6, in line 15, and added the words "and telephone."

Mr. WILLIAMS of Mississippi. It is reported with the amendment unanimously by the committee?

Mr. COOPER of Pennsylvania. It is.

Mr. WILLIAMS of Mississippi. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was read at length.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. COOPER of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE MISSOURI RIVER AT LEXINGTON, MO.

Mr. SHACKLEFORD. Mr. Speaker, at the request of my colleague [Mr. HAMLIN], I desire to call up, by unanimous consent, the bill H. R. 18207.

The SPEAKER. The gentleman asks unanimous consent for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18207) to amend sections 1, 5, and 6 of an act entitled "An act authorizing the construction of a wagon, toll, and electric-railway bridge over the Missouri River, at Lexington, Mo.,"



approved April 28, 1904, extending the provisions thereof to steam-railway cars, locomotives, and other motive power, and extending the time for commencing actual construction of said bridge.

Mr. WILLIAMS of Mississippi. Reserving the right to object, I would like to ask the gentleman if this bill has received the unanimous report of the committee?

Mr. SHACKLEFORD. It has.

Mr. WILLIAMS of Mississippi. And is approved by the Department?

Mr. SHACKLEFORD. It is.

The SPEAKER. The Chair hears no objection.

The bill was read at length.

The amendments recommended by the committee were read, considered, and agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHACKLEFORD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### APPOINTMENT OF CERTAIN MIDSHIPMEN IN THE NAVY.

Mr. BROWN of Wisconsin. I ask unanimous consent for the present consideration of the bill H. R. 17750.

The bill was read, as follows:

A bill (H. R. 17750) authorizing the appointment of certain midshipmen in the United States Navy.

*Be it enacted, etc.,* That the President be, and he is hereby, authorized and empowered, in his discretion, to appoint to the naval service the three midshipmen of the then first class who were dismissed on the 6th day of November, 1903, pursuant to the findings and recommendations of a court-martial, said midshipmen to take rank at the foot of the class from which dismissed, and to serve at sea in like manner as the other members of said class: *Provided,* That such appointments shall not be operative or effective unless and until said midshipmen shall have passed such examinations and conformed to such requirements as may be prescribed by the Secretary of the Navy.

The SPEAKER. Is there objection?

Mr. CLARK. I reserve the right to object, to see if there is anything new on the subject worth listening to.

The SPEAKER. The gentleman reserves the right to object, pending an explanation of the bill.

Mr. BROWN of Wisconsin. Mr. Speaker, this bill is the same one in most particulars that has been before the House at different times during the present and preceding sessions of Congress. It authorizes the reappointment of certain midshipmen to the United States Navy. These midshipmen were court-martialed and expelled from the service.

Mr. HUNTER. What was the offense?

Mr. BROWN of Wisconsin. The offense was violating the rules of the Naval Academy by hazing lower classmen. I will say that this bill has been carefully considered by the Committee on Naval Affairs of this House, and is reported unanimously. It is also recommended by the President of the United States and the Secretary of the Navy.

Mr. LACEY. Let me interrupt the gentleman. This bill was drawn by the Judge-Advocate of the Navy, was it not?

Mr. BROWN of Wisconsin. Yes, sir; the bill was drawn by the Judge-Advocate-General of the Navy.

The SPEAKER. Is there objection?

Mr. FINLEY. I desire to ask the gentleman a question. Since these three midshipmen have been dismissed from the Naval Academy, has there been any further hazing at the academy?

Mr. BROWN of Wisconsin. There has not, to my knowledge, sir.

Mr. FINLEY. Does the gentleman not think that the example made of these three young men has been beneficial to discipline at the Naval Academy?

Mr. BROWN of Wisconsin. I certainly do; but I wish to say in addition to that that the hazing done by these three midshipmen was a slight offense, consisting only of causing the cadets hazed to go through certain gymnastic performances—

Mr. FINLEY. Now, if the example has been beneficial to such an extent that hazing has been stamped out at the Naval Academy, what assurances can the gentleman give that to restore these young men to the service will not dissipate the good already done?

Mr. BROWN of Wisconsin. I take it the gentleman understands that these three midshipmen are not to be restored to their class—that is, they do not take the standing taken by the cadets who graduated one year ago. They, if appointed, go to the foot of their class and are simply appointed to go to sea; but they lose their standing with their class. Another thing, they can not be appointed until after an examination.

Mr. FINLEY. Mr. Speaker, much as I regret to do so, I think this is a bill that should not pass. I should vote against it, and therefore I object.

Mr. KYLE. I hope the gentleman will withdraw his objection.

The SPEAKER. The gentleman from South Carolina objects.

#### RIO GRANDE, NEW MEXICO.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17939) relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation, and providing for the distribution of said stored waters among the irrigable lands in New Mexico, Texas, and the Republic of Mexico, and to provide for a treaty for the settlement of certain alleged claims of the citizens of the Republic of Mexico against the United States of America.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a bill the title of which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Does the gentleman ask to have it considered in the House as in Committee of the Whole?

Mr. PERKINS. Yes.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the bill in the House as in Committee of the Whole, the bill being upon the Union Calendar.

Mr. WILLIAMS of Mississippi. Mr. Speaker, reserving the right to object, I will ask, is this bill reported unanimously by the committee?

Mr. PERKINS. This bill is reported from the Committee on Foreign Affairs unanimously.

Mr. WILLIAMS of Mississippi. And it is approved by the Department?

Mr. PERKINS. It is approved by the Department. It was drawn under the instructions of the Department and after conference with the engineer in charge.

Mr. WILLIAMS of Mississippi. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Whereas the Republic of Mexico has made reclamation of the United States to the Secretary of State, through its legation in Washington, for a large indemnity for waters alleged to have been taken and used by the citizens of the United States in Colorado and New Mexico on the headwaters of the Rio Grande, to which citizens of Mexico claim right by prior appropriation, in alleged violation of article 8 of the treaty of peace of Guadalupe Hidalgo, proclaimed July 4, 1848, and article 4 of the boundary treaty proclaimed June 30, 1854; and

Whereas an investigation, directed jointly by the State Departments of the two Republics and carried out by the International Boundary Commission, organized under the convention of March 1, 1889, discovered the fact that the flow of the river has gradually diminished for the past fifteen years in an increasing ratio, so that the ordinary summer's flow in the lower river is inadequate to supply the wants of irrigation and domestic and other purposes as has been supplied in previous years; and

Whereas a remedy has been proposed by the two Governments to meet this deficiency by impounding in a reservoir, to be created by the construction of a dam, the annual flood waters of said river; and

Whereas the Rio Grande is a torrential stream of intermittent flow, and the results of careful investigation show that the flood waters which now go to waste can be stored; and

Whereas it has been ascertained that by the construction of a dam at a point in the Territory of New Mexico sufficient water can be stored to meet the requirements hereinbefore set forth and also irrigate all irrigable lands in said Territory situated on said river below the site of said dam; and

Whereas under the operations of the reclamation act of June 17, 1902, it is practicable to build a dam in New Mexico and create a reservoir for the storage of such flood waters, utilizing the funds available under said act for this purpose, the cost to be refunded by annual installments paid by the owners of lands in small tracts; and

Whereas it is desirable to permit the stored water to be utilized in Texas and to allow the lands irrigable in Texas to share the expense of the construction; and

Whereas the waters of the Rio Grande having been put to beneficial use in past years at such seasons as they were available by residents along the Rio Grande in the Republic of Mexico and in the United States, equity demands that the rights of these prior proprietors should be protected to the extent to which they have formerly put the waters to beneficial use: Therefore,

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to ascertain the extent to which the water of the Rio Grande has been put to beneficial use at points below the site of said proposed dam in New Mexico and to prepare a schedule showing as nearly as may be the times and seasons when such water has been utilized and the lands which have actually been irrigated thereby for a considerable number of years in succession. Upon the basis of such schedule there shall be set aside from the waters to be stored in the reservoir constructed upon the Rio Grande near Engle, N. Mex., under the provisions of the reclamation act an amount of water sufficient for the irrigation of the lands so scheduled as having been actually irrigated, such water to be delivered in the river or by canals within convenient distance of the said lands, in the discretion of the Secretary of the Interior. In the determination of said amount of water due consideration shall be given to the benefits of an assured water supply as against the natural condition of the stream.

Sec. 2. That the provisions of the reclamation act shall be extended to the portion of the State of Texas bordering upon the Rio Grande which can be irrigated from the said system, and if there shall be as-

certained to be sufficient land in New Mexico and in Texas which can be supplied with the stored water at a cost which shall render the project feasible and return to the reclamation fund the cost of the enterprise, then the Secretary of the Interior may proceed with the work of constructing a dam on the Rio Grande as part of the general system of irrigation, should all other conditions as regards feasibility be found satisfactory.

Sec. 3. That the Secretary of the Interior is authorized and instructed to communicate to the Secretary of State his findings with reference to the amount of land which has in past times been irrigated continuously in the valley in Mexico at and immediately below the city of El Paso from the waters of the Rio Grande, and thereupon the Secretary of State is authorized to take such steps as will bring about an understanding or treaty with Mexico by which the Republic of Mexico shall accept the amount of water to be allotted from the said reservoir in full liquidation and settlement of all claims made by Mexico or by the citizens thereof on account of the alleged diversion of the waters of the Rio Grande.

Sec. 4. That the Secretary of the Interior is hereby authorized to ascertain the amount of money which may be necessary to be paid for water furnished lands so claiming prior rights under the terms of section 1, and shall report the same to Congress, with a view to paying said amount into the reclamation fund: *Provided*, That such furnishing of water or payment of money shall not be regarded as made in pursuance of any right upon which the same could be demanded against the United States, but as a means of facilitating the development of the lands in the valley of the Rio Grande in New Mexico and Texas, and in full settlement of the claims of Mexico or the citizens thereof hereinbefore referred to.

The following committee amendments were read:

After striking out all of the preamble, strike out, in line 5, page 3, the word "said" and insert the word "the."

In line 6, page 3, after the word "dam," strike out the word "in" and insert the words "upon the Rio Grande near Engle."

In line 11, page 3, before the word "reservoir," insert the word "said," and after the word "reservoir" strike out the word "constructed."

In line 12, page 3, strike out the words "upon the Rio Grande near Engle, N. Mex."

On page 4, line 15, after the word "continuously," insert the words "from the waters of the Rio Grande" and strike out the words "the valley in."

In lines 16 and 17 strike out the words "from the waters of the Rio Grande."

In line 18, after the words "authorized to," insert the words "negotiate a" and strike out the words "take such steps as will bring about an understanding, or."

On page 5, in line 1, after the word "water," insert the words "to be."

In line 3 strike out the word "paying" and insert the word "repaying."

In lines 7, 8, and 9 strike out the words "as a means of facilitating the development of the lands in the valley of the Rio Grande in New Mexico and Texas, and."

The amendments were agreed to.

Mr. MONDELL. Mr. Speaker, I wish to offer four amendments to the bill.

The SPEAKER. The gentleman from Wyoming offers the following amendment, which the Clerk will report.

The Clerk read as follows:

After the word "upon," in line 11, page 3, strike out the words "the basis of such schedule" and insert "fulfillment of the provisions of this act."

Mr. STEPHENS of Texas. I should like to know how it will read with that amendment.

The SPEAKER. The Clerk will report the words as they will read if amended.

The Clerk read as follows:

Upon fulfillment of the provision of this act there shall be set aside from the waters to be stored in the said reservoir.

Mr. BARTLETT. From what committee does this bill come?

Mr. STEPHENS of Texas. From the Committee on Foreign Affairs.

The SPEAKER. Does the gentleman from New York [Mr. PERKINS] yield?

Mr. PERKINS. Yes.

Mr. BARTLETT. I should like to inquire of the gentleman from New York how this bill, which seems to have more to do with irrigation than with anything else, comes from the Committee on Foreign Affairs?

Mr. PERKINS. Because it settles claims between the Republic of Mexico and this Republic.

Mr. BARTLETT. The Foreign Affairs Committee have jurisdiction of it because it deals with the Government of Mexico in settling some grievances?

Mr. PERKINS. Yes.

Mr. BARTLETT. It is rather foreign to the general legislation of the Committee on Foreign Affairs.

The SPEAKER. The question is on agreeing to the amendment reported by the Clerk.

Mr. UNDERWOOD. I want to ask the gentleman if he will yield to me a few minutes on this bill, after the amendments are perfected?

Mr. PERKINS. How much time does the gentleman desire?

Mr. UNDERWOOD. I should like about ten minutes.

Mr. PERKINS. I yield ten minutes to the gentleman.

The SPEAKER. The gentleman from Alabama is recognized for ten minutes.

Mr. UNDERWOOD. Mr. Speaker, this bill comes from the Committee on Foreign Affairs. It relates to matters over which the Committee on Arid Lands, to a large extent, has jurisdiction. I do not object to many features in the bill, but there is one precedent that this bill seeks to establish that the Committee on Arid Lands and this House up to this time have refused to adopt, and that is the question of going into the public Treasury to spend money for irrigation work.

For many years the question was before this House, agitated and advocated by many gentlemen from the far Western States, that appropriations should be made out of the Federal Treasury for the purpose of building irrigation plants and irrigation works in the Western States. Some two or three years ago Congress adopted a bill by which they gave to these Western States all the public lands contained in seventeen Western States, creating a trust fund out of the money derived from the sale of those lands for the purpose of irrigating lands in these States.

It was a compromise question, a question that the House and the Democrats on this side of the House agreed to, because the money derived came from the sale of public lands and did not come out of the Treasury. Now, we have always held, and I believe correctly, that it was a dangerous precedent for this Congress to establish to go into the public Treasury of the United States under any excuse whatever for the purpose of taking funds to irrigate western lands. We agreed to this proposition by which these gentlemen who come from the Western States and their constituents now have a fund amounting to some thirty-odd million dollars to irrigate and develop those States. I think it would be a very unwise proposition for Congress to establish now a precedent that breaks down the rule we have heretofore established and enter into the public Treasury for an appropriation for any irrigation enterprise whatever, under any excuse.

I know and I understand that this question has been brought before this House under the guise of carrying out some treaty obligation or some rights that we owe to Mexican citizens.

I know that the matter has been taken up and considered by the Government of the United States, and at one time I believe it went so far as to recommend a treaty in reference to the settlement of certain Mexican claims, but up to this time the claims of the American citizens against the Government of the United States have never been recognized by Federal authority in any way. The whole question in regard to this proposition stands on this, that in the early settlement of Mexico, when Arizona and New Mexico and a portion of Texas was a barren waste, the citizens of Mexico used the waters of the Rio Grande River for the purpose of irrigating certain lands in the Republic of Mexico. After the development of Arizona and Texas and New Mexico by the settlers of that country the waters of the Rio Grande River were diverted by citizens of the United States for the purpose of irrigating land on our own soil. This necessarily took the water away from the citizens farther down the stream in Mexico, and they did not have the water with which to irrigate their lands. Their lands were no longer fertile and became a barren waste, and therefore the Mexican Government made a claim against this Government, saying your citizens have taken the water that runs through their own lands for the purpose of irrigating their lands, have destroyed the land of our citizens, and therefore you must pay us a sum of money.

It has never been recognized as international law, or any other law, that a citizen of one country can not take the natural product of the soil or can not take the rain that falls from the heavens on his own land and divert it for his own purpose, for his own use, without being held responsible in damages, and that some one else farther down the stream who wants to use the same water would have a claim for damages if it is in a foreign country. There has been no such claim ever recognized in international law or can ever be recognized. If this great Republic of ours desires to give a gratuity to the citizens of Mexico, so well and so good. When we have determined to give that gratuity to the citizens of Mexico, if they want to come back to the United States Government and say, "We will give you back a portion of this gratuity and go into partnership with you and build irrigation works for the development of your land, and water for your land," why, there might be something in the proposition. But I would say it would still be unwise for this Government of ours to go into the general funds of the public Treasury for the purpose of irrigating any land in this country. Now, Mr. Speaker, I recognize that this land should be developed, and I dislike very much to take a position against this bill, because I know many of my personal friends, men whom I respect and honor on this side of the House, are earnestly in favor of this bill.



But, Mr. Speaker, ever since I have been in this House I have fought the proposition of taking funds from the public Treasury for those purposes. I think we have gone as far as we should in this direction, and I believe we will be setting a dangerous precedent for the future if we go one step farther in the direction of taking funds out of the public Treasury for this purpose of irrigation.

Mr. PERKINS. Mr. Speaker, I yield ten minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I believe this to be wise legislation. I believe that it will lead to the settlement of a long-standing controversy between the Republic of Mexico and our Government, and it will lead to the settlement of that question by the expenditure of a very small sum of money. The gentleman from Alabama [Mr. UNDERWOOD] says he objects to the proposition or to the policy of taking money out of the public Treasury for the construction of irrigation works. I agree with the gentleman, though I come from an irrigation country. I have accepted the provisions of the reclamation law in good faith. But this bill contemplates nothing of the sort. It provides that when the proper authorities have determined the amount of lands in Mexico and Texas which have been heretofore irrigated and that have subsequently been deprived of the water for irrigation, then the Congress may, if it sees fit, appropriate money for the purpose of increasing certain works under the national irrigation laws to an extent that will make possible the furnishing of a sufficient amount of water, in addition to that needed by our own citizens upon lands not heretofore irrigated, to meet the claims of the Republic of Mexico and of the citizens of Texas, owners of lands which have been deprived of water by divergence higher up the stream.

Mr. McNARY. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. MONDELL. Yes.

Mr. McNARY. I would like to ask the gentleman how this would affect the rights of the people in Colorado who are diverting the water, and the people in New Mexico who have attempted to build a dam above Las Cruces near Rincon or La Corro? How would it affect those people who have the right to use the dam, and the people in Colorado who already use the water?

Mr. MONDELL. It will not affect them in any way at all. It does not contemplate any action that affects the rights of anyone to use water for irrigation. It simply provides that if we impound a sufficient amount of water at a certain point in New Mexico to supply the lands in New Mexico with all the water they require, the surplus may be used for the purpose of furnishing water to the lands heretofore irrigated in the Republic of Mexico; but it can not interfere with the water right of any citizen of the United States by any possibility.

Mr. McNARY. Mr. Speaker, I desire to ask the gentleman whether or not this comes as a report from the international dam commission as regards a dam at El Paso—whether it is the result of their work? I desire also to ask the gentleman if he understood that there has been a controversy between New Mexico and Texas for some time about the right to use this water; that whereas the Colorado people within the limits of this State have used all the water they please from the Rio Grande, the people in New Mexico have been unable to build a dam and unable to use the river water because of the claim that Mexico down below El Paso is entitled to a large share of this water, and whether he understood that the international dam commission, appointed under the authority of some act here, has been reviewing this question, and I want to know if this bill is the result of their work or not?

Mr. MONDELL. I do not understand that it is directly the result of their work, but it is the result of an understanding arrived at by the representatives of Mexico at the recent irrigation congress at El Paso, and by the people of New Mexico, Colorado, and Texas represented at that meeting.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. MONDELL. Yes.

Mr. BARTLETT. This bill has been before the Committee on Irrigation of Arid Lands also, has it not?

Mr. MONDELL. The Committee on Irrigation of Arid Lands took cognizance of the fact that there was such a bill, and suggested to the gentleman having charge of this bill certain amendments which, in the opinion of the members of that committee, made it a better bill—a little clearer in its provisions.

Mr. BARTLETT. I do not doubt the capacity of the gentleman from Wyoming [Mr. MONDELL] and his committee to make it a better irrigation bill; but is it not a fact that all of the bills

that related to irrigation have been before the Committee on Irrigation of Arid Lands, over which the gentleman presides, except this one?

Mr. MONDELL. Well, I will say to the gentleman that it is a question which is the larger question in this bill—the international question or the irrigation question—but I think that no violation of the rules was involved in sending it to the Committee on Foreign Relations, although it might have been sent to the other committee.

Mr. BARTLETT. I do not think any mistake was made in sending it to the Committee on Foreign Relations, but it got it out here in a shape probably it would not have gotten out in from the Irrigation Committee.

Mr. MONDELL. Mr. Speaker, I simply want to say in conclusion that I believe this is a happy solution of a long-standing controversy, not only between the people of the United States and the Republic of Mexico, but also between the people of New Mexico and Texas, and, further, that it is wise to do as the bill does in the extension of the provisions of the reclamation act to the valley of the Rio Grande in Texas in view of the fact that that is the only valley in arid America which does not now come under the provisions of the reclamation law, and in all justice and equity the provisions of the law should extend to that valley. Answering just for a moment the suggestion of the gentleman from Alabama [Mr. UNDERWOOD] that in international law no recognition has ever been given to the claims of one government against another for damages by reason of the diversion of water long used by the citizens of the complaining country by the citizens of the country against which claim is made, still the law of every State in the Union recognizes that those first in time in the use of waters are first in right, and recent decisions of supreme courts of the States of the Union, notably of the supreme court of my State, have held that priority of use gives priority of right without regard to a State line; and that should be—as I believe it will when the Supreme Court of the United States speaks on the Kansas-Colorado case—the national law and policy, and it in good conscience and justice should be the international rule, and if our citizens have, by diverting water higher up the Rio Grande, deprived the citizens of Mexico of water they had long used in irrigation, I believe Mexico has a valid claim against the United States.

Mr. BURLISON. Mr. Speaker, this bill is the fruition of about fourteen years' labor on the part of the Committee on Foreign Affairs. Many, many years ago the present governor of Texas, Governor Lanham, who was at that time a Representative in Congress, a Member of this body, introduced a bill providing for the construction of an international dam near El Paso, Tex. The purpose of the bill was to end the controversy, that had grown up and raged for a long time between the people of Mexico—those immediately below the city of Juarez—and the people in New Mexico and Colorado living on the Rio Grande River over the right to the use of the waters of that river. This bill was resisted by the people of New Mexico, who claimed that if the international dam was erected at the point selected it would prevent them from having the full use of water that fell in the catchment area of the Territory of New Mexico.

Subsequently other bills having the same end in view were introduced by my colleague, Mr. STEPHENS, and, hoping to end the controversy, I also introduced a bill on the same subject. All these bills resulted in naught.

This controversy raged for years and years before the Foreign Affairs Committee. Last year an international irrigation congress was convened in the city of El Paso, and as a result of the action taken by that congress the people of the Territory of New Mexico and the people of the State of Texas living at and below the city of El Paso, and many Mexican citizens who are interested, all united upon the proposition embodied in this bill as the most feasible and practical means of settling this long-drawn-out controversy.

At the beginning of this Congress my colleague [Mr. SMITH of Texas] introduced this bill and has labored without ceasing in his efforts to further its passage. His bill was finally unanimously reported after it had been given careful and painstaking consideration by a subcommittee appointed by the distinguished chairman of the Committee on Foreign Affairs. After the bill had been reported by the Foreign Affairs Committee it was submitted to the chairman of the Committee on Irrigation of Arid Lands, and it has been agreed that it be amended in several particulars in accordance with his will and best judgment.

This bill is of great importance to all the people living in the Rio Grande Valley, whether they be Texans, Mexicans, or citizens of the Territory of New Mexico. It is of especial interest

to the people of my State living at El Paso. For many years the Representative in Congress of the El Paso district has been urging the settlement of this ugly controversy by the passage of some such measure as this. For six years I have urged action at the hands of the Committee on Foreign Affairs, of which I am a member. At last we have succeeded in securing action, and this bill has been brought before this body with a favorable report, and I am exceedingly anxious that it shall be passed, because it will settle, and settle satisfactorily, this protracted controversy.

Mr. ROBINSON of Indiana. I understand this bill is not a charge upon the public Treasury for irrigation purposes in any respect.

Mr. BURLESON. It carries no appropriation whatever.

Mr. ROBINSON. And no expenditure is called for out of the public Treasury by the bill?

Mr. BURLESON. Well, that raises a question of construction, and the gentleman can read the bill and determine that for himself.

Mr. HITT. Mr. Speaker, I would like to ask if the Delegate from New Mexico is here? This is a bill in which he represents the interests of New Mexico and contested the bill from the beginning, but I understood he had consented to this, and I wish the gentleman from Texas to state if he has consented to it.

Mr. BURLESON. The Delegate for New Mexico appeared before our committee and gave this bill his cordial approval.

Mr. HITT. Did he not put conditions upon it?

Mr. BURLESON. He did, and we complied with those conditions.

Mr. HITT. I merely wished to state with perfect fairness, because, as chairman of the committee, I heard the statements and discussions which have gone on through five to ten years, that the wishes of the people of New Mexico have from the first been considered of primary importance and entitled to a hearing. Mr. RODEY represents them, and if he consents to this bill I have nothing to say.

Mr. STEPHENS of Texas. If the gentleman will permit me, I will state that at the irrigation congress held last year at El Paso the delegates from New Mexico, composed of Mr. RODEY, the governor, and other prominent citizens of New Mexico, and a committee from El Paso and old Mexico met in that congress and agreed upon and adopted a series of resolutions. The main features have been embodied in this bill. The Delegate from New Mexico [Mr. RODEY] has been before the committee—the committee reporting this bill—frequently, and I know that he has expressed himself as favoring its passage. I was a member of the irrigation congress at El Paso last November, and was present at the discussions when these agreements were made, and I wish to state that a full understanding was reached by all the parties at interest, and the dam as proposed in this bill was to be built in New Mexico, more than 100 miles above the line of Texas and old Mexico. The water is not to be used—

Mr. CLAYTON. I would like to ask the gentleman from Texas [Mr. STEPHENS] a question.

Mr. STEPHENS of Texas. The water impounded by this irrigation dam is not to be used in Mexico or turned over to Mexico unless there is, first, a treaty entered into between the United States and Mexico providing for an equitable division of the waters of the Rio Grande River, and providing that the claims of Mexico against the United States for the water Mexico has been deprived of shall be paid by furnishing Mexico with water from this reservoir. This bill does not admit that there is any such claim outstanding against the United States, but provides for determining this question, and we do not furnish Mexico with any water unless the treaty-making power of the United States and Mexico so stipulates.

Mr. CLAYTON. Will the gentleman from Texas [Mr. STEPHENS] yield to me for a moment?

Mr. STEPHENS of Texas. Certainly.

Mr. CLAYTON. I desire to know how much this bill is going to cost the Treasury?

Mr. STEPHENS of Texas. This bill does not appropriate one cent.

Mr. CLAYTON. Does it not pave the way for an appropriation out of the Treasury of the United States?

Mr. STEPHENS of Texas. It does not; the money for building the dam comes out of the reclamation fund.

Mr. CLAYTON. Does it not lead to that?

Mr. STEPHENS of Texas. I do not know what it may lead to.

Mr. CLAYTON. The gentleman from Texas [Mr. STEPHENS], as well as a good many others here, is expert on the question of subsidies, especially sectional subsidies. I desire to know if a sectional subsidy is embodied in the belly of this bill any-

where. I am in favor of good mail facilities, but I am heartily opposed to subsidies, and therefore I desire to know.

Mr. STEPHENS of Texas. We do not expect to have any water given or granted to the State of Texas. We propose to pay for all of the water we get under this act.

Mr. CLAYTON. Who is going to build this dam?

Mr. STEPHENS of Texas. The United States Government builds it out of the reclamation fund and under the irrigation laws of the United States.

Mr. CLAYTON. Where are those funds coming from?

Mr. STEPHENS of Texas. From the sale of public lands.

Mr. CLAYTON. Why not let them stay in the public Treasury when they get in there?

Mr. STEPHENS of Texas. Because the irrigation law provides that it shall be disbursed through the reclamation service.

Mr. CLAYTON. But when that fund goes into the Treasury it is a common fund.

Mr. STEPHENS of Texas. Yes; it is a common fund, subject to be disbursed through the irrigation law and the reclamation service. This reclamation service, through Mr. Hall, one of the engineers, has already estimated for and agreed that a dam shall be built at the place suggested in this bill, which place is situated about 125 miles above El Paso, Tex. That water to be impounded there is to be used in New Mexico and Texas, and is not to be used in old Mexico unless the treaty I have mentioned be first made and ratified.

Mr. CLAYTON. I understand all that, but the gentleman from Texas [Mr. STEPHENS] misstates the purpose of my question. While you will doubtless impound this water and irrigate the land, what I am objecting to is that you make the Treasury of the United States provide local benefits.

Mr. STEPHENS of Texas. The Treasury does not do it. It is done through the reclamation act. Reservoirs must be located somewhere, and New Mexico comes under the act and is entitled to her part of this fund.

Mr. CLAYTON. But that fund belongs to the public.

Mr. PERKINS. Mr. Speaker, I move the previous question on the amendment.

Mr. REEDER. Mr. Speaker, I desire to ask a question. I want to understand why this land is irrigated in Mexico when the funds for that irrigation come out of the irrigation fund?

Mr. PERKINS. This bill provides for a treaty made years ago between the Government and Mexico, and provides that, in lieu of any other treaty rights, under the report to be made by the United States Geological Survey, a certain amount of water may be used on certain lands in Mexico in proportion to the right that shall be reported by our committee.

Mr. REEDER. Well, let me ask the question: Where does the money come from that furnishes that water in Mexico?

Mr. PERKINS. All of these payments are made out of the irrigation fund.

Mr. REEDER. That furnishes the water for Mexico?

Mr. PERKINS. It will not be very much; may possibly be one-eighth.

Mr. REEDER. If there is any chance I object to the bill.

Mr. PERKINS. It is too late to object. I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from New York moves the previous question upon the bill and pending amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. Division!

The House divided; and there were—ayes 101, noes 16.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I understood the gentleman to say that he moved the previous question on the bill and amendments to its final passage.

The SPEAKER. The Chair did not so understand it, and did not so put it, because the Chair understood from the gentleman's statement that there were other amendments to be offered.

Mr. MONDELL. I offered four amendments.

The SPEAKER. Only one has been read; so that the Chair did not understand the gentleman to move the previous question on the amendments and bill to passage, but put it, as the Chair understood, on the amendment.

The Clerk will report the next amendment.

The Clerk read as follows:

After the word "waters," in line 12, page 3, strike out the word "to" and insert the words "that may."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.



The Clerk read as follows:

After the word "be," in line 6, page 5, strike out the words "paid for water to be furnished" and insert the words "expended in order to furnish water for."

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

After the word "to," in line 8, page 5, strike out the word "repaying" and insert the word "paying."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### RAILROAD, WAGON, AND FOOT BRIDGE AT YANKTON, S. DAK.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill S. 6450. The bill was read, as follows:

A bill (S. 6450) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak."

*Be it enacted, etc.*, That section 6 of "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.," approved April 5, 1904, be, and the same is hereby, so amended that the time within which the said bridge is required to be commenced shall be within one year and the time within which it is required that said bridge shall be completed shall be within three years from the date of the approval of this act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON of Alabama, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### APPOINTMENT OF CERTAIN MIDSHIPMEN TO THE NAVAL SERVICE.

The SPEAKER. The gentleman from Wisconsin [Mr. BROWN] again asks unanimous consent for present consideration of the bill the title of which the Clerk will again report.

The Clerk read as follows:

A bill (H. R. 17750) authorizing the appointment of certain midshipmen to the United States Navy.

The SPEAKER. Is there objection?

Mr. SIMS. Mr. Speaker, I shall object until I understand this bill better. We passed a bill to prevent this offense, and here we are going to work to rescind that action at the first instance of its violation. The President himself says that it was a plain violation of the law, though not an aggravated one. Now, we will have six suspension days at the end of this Congress, when the House can pass the bill, if it is disposed to do so. I voted for the measure to prevent hazing, and here upon the very first occasion where it has been violated we are asked to vacate action under it. I have no feeling in this matter myself, and do not know any of these young men.

#### PENSION MONEY DUE TO INMATES OF GOVERNMENT HOSPITAL FOR INSANE.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 12152) relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane.

*Be it enacted, etc.*, That the proviso in the act approved August 7, 1882, appearing on page 330 of the Twenty-second Statutes at Large, and relating to pensions of inmates of the Government Hospital for the Insane, is hereby stricken out and the following inserted:

"Provided, That in addition to the persons now entitled to admission to said hospital, any inmate of the National Home for Disabled Volunteer Soldiers who is now or may hereafter become insane shall, upon an order of the president of the Board of Managers of the said National Home, be admitted to said hospital and treated therein. During the time that any pensioner shall be an inmate of the Government Hospital for the Insane all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in the case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital; the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the

guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided further*, That in the case of pensioners transferred to the hospital from the National Home for Disabled Volunteer Soldiers, any pension money to his credit at said Home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided; and in case of his return from said hospital to the Home, any balance to his credit at said hospital shall, in like manner, be transferred to said Home, to be expended in accordance with the rules established in regard thereto. This provision shall also be applicable to all unexpended pension money heretofore paid to the officers of the said hospital on account of pensioners who were but are not now inmates thereof."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LOUDENSLAGER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### JAMES B. SCULLY, DECEASED.

Mr. GRAFF. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to George F. Scully, son of James B. Scully, deceased, late an employee of the House of Representatives, a sum equal to six months' salary as an employee, and that the Clerk be further directed to pay, out of the contingent fund, the expenses of the last illness and funeral of the said James B. Scully, such expenses not to exceed \$250.

The following amendment, recommended by the Committee on Accounts, was read:

In line 5 strike out "an" and insert "such."

The amendment was agreed to.

The resolution as amended was agreed to.

#### J. N. M'DONALD, DECEASED.

Mr. GRAFF. Mr. Speaker, I present another resolution of the same character.

The SPEAKER. The gentleman from Illinois presents a privileged resolution from the Committee on Accounts, which will be reported by the Clerk.

The Clerk read as follows:

*Resolved*, That the Clerk of the House of Representatives be directed to pay, out of the contingent fund of the House, to the widow of J. N. McDonald, late member of Capitol police, a sum equal to one-half year's salary as such officer, and that the Clerk be further directed to pay, out of the contingent fund, the expenses of the last illness and the funeral expenses of said J. N. McDonald, such expenses not to exceed the sum of \$250.

The following amendments, recommended by the Committee on Accounts, were read:

In line 6, after the word "police," insert the word "force."

In line 6, after the word "funeral," strike out the word "expenses."

In line 6, after the word "and," strike out the word "the."

The amendments were agreed to.

The resolution as amended was agreed to.

#### ANNA S. CRANE AND OTHERS.

The SPEAKER laid before the House the bill referring the claim of Anna S. Crane and others to the Court of Claims, with a Senate amendment.

The Senate amendment was read.

Mr. GRAFF. Mr. Speaker, I move that the House nonconcur in the Senate amendment and request a conference with the Senate on the disagreeing vote of the two Houses.

The SPEAKER. The gentleman from Illinois moves that the House nonconcur and ask a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. GRAFF, Mr. HOWELL of Utah, and Mr. GOLDFOGLE.

#### ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 17345. An act to exclude from the Yosemite National Park, California, certain lands therein described and to attach and include the said lands in the Sierra Forest Reserve.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6425. An act to amend section 4472 of the Revised Statutes so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as "automobiles") using the same as a source of motive power—to the Committee on Interstate and Foreign Commerce.

S. 6929. An act to establish a light and fog-signal station at Robinsons Point, Ile au Haut Thoroughfare, Maine—to the Committee on Interstate and Foreign Commerce.

S. 3790. An act for the relief of B. Jackman—to the Committee on Claims.

## ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16567. An act to authorize the Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.;

H. R. 14710. An act authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law.

H. R. 14626. An act to quiet titles to land in the city of Mobile, State of Alabama;

H. R. 17789. An act to amend an act entitled "An act to authorize W. Denny & Co. to bridge Dog River, in the State of Mississippi";

H. R. 9758. An act for the relief of the heirs of George McGhehey for services rendered as mail contractor;

H. R. 14906. An act for the relief of H. B. Wise;

H. R. 15011. An act to open to homestead settlement and entry the relinquished and undisposed of portions of the Round Valley Indian Reservation, in the State of California, and for other purposes;

H. R. 18035. An act to amend section 552 of the Code of Laws for the District of Columbia, relating to incorporations;

H. R. 3947. An act for the relief of holders and owners of certain District of Columbia special-tax scrip;

H. R. 7869. An act in relation to bonds on contracts with the District of Columbia;

H. R. 17749. An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River;

H. R. 7296. An act for the protection of the public forest reserves and national parks of the United States;

H. R. 9493. An act to amend the act of February 8, 1897, entitled, "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same; and

H. R. 14623. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

## CERTAIN LANDS IN SOUTH DAKOTA.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18464) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. REEDER. Mr. Speaker, I object.

Mr. MARTIN. I put it in the form of a request that the House go into the Committee of the Whole for the present consideration of the bill.

The SPEAKER. The House would necessarily have to go into Committee of the Whole to consider it.

Mr. MARTIN. It is on the House Calendar.

The SPEAKER. The bill would have to be considered in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. REEDER. I object.

The SPEAKER. The gentleman from Kansas objects.

Mr. BURKETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 3 o'clock and 50 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for care and custody of the insane in the district of Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a list of deficiencies in the appropriation for compensation of postmasters—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for monuments or tablets in Cuba and China—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for education in Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for payment to Thomas Morton—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for additional land for drill ground at Fort Ethan Allen—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting the Twelfth Special Report of the Commissioner of Labor—to the Committee on Labor, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BRANTLEY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 18676) to amend the seventh section of an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and amended June 6, 1900, reported the same without amendment, accompanied by a report (No. 4214); which said bill and report were referred to the House Calendar.

Mr. MILLER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17442) ceding strip or parcel of land to city of Hot Springs, Ark., for use as a public street, reported the same without amendment, accompanied by a report (No. 4215); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18279) to authorize the Secretary of the Interior to accept the conveyance from the State of Nebraska of certain described lands and granting to said State other lands in lieu thereof, and for other purposes, reported the same without amendment, accompanied by a report (No. 4216); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4100) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes,



reported the same without amendment, accompanied by a report (No. 4217); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 17748) to set aside certain public lands in the Philippine Islands, and the proceeds of the sale thereof, for school purposes, reported the same with amendment, accompanied by a report (No. 4218); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4513) to amend the act entitled "An act to better define and regulate the rights of aliens to hold and own real estate in the Territories," approved March 2, 1897, reported the same without amendment, accompanied by a report (No. 4219); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17335) to incorporate the American Medical Association, reported the same with amendment, accompanied by a report (No. 4220); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18126) to close and open an alley in square No. 806 in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 4221); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLEMP, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18521) permitting the Washington Market Company to lay a conduit across Seventh street west, reported the same without amendment, accompanied by a report (No. 4222); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FORDNEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5337) for the relief of Jacob Lyon, reported the same without amendment, accompanied by a report (No. 4212); which said bill and report were referred to the Private Calendar.

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 6818) for the relief of Hannah B. Sabiston, reported the same without amendment, accompanied by a report (No. 4213); which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15045) granting an increase of pension to William L. Waterman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18569) granting an increase of pension to John C. McGinis—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18321) granting a pension to Lars F. Wadsten—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KINKAID: A bill (H. R. 18752) for the resurvey of certain townships in the counties of Rock and Brown, in the State of Nebraska—to the Committee on the Public Lands.

By Mr. LOVERING: A bill (H. R. 18753) to amend the customs drawback law and to encourage the export trade in flour manufactured or produced by American mills—to the Committee on Ways and Means.

Also, a bill (H. R. 18754) to prohibit interstate transportation of insect pests and the use of the United States mails for that purpose—to the Committee on Agriculture.

By Mr. RYAN: A bill (H. R. 18755) to amend section 4472 of the Revised Statutes, so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles), using the same as a source of motive power—to the Committee on Interstate and Foreign Commerce.

By Mr. OVERSTREET: A bill (H. R. 18756) defining certain publications of the second class and fixing the rate of postage thereon—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: A bill (H. R. 18757) making an appropriation for clearing the Potomac River of ice—to the Committee on Appropriations.

By Mr. HEPBURN: A resolution (H. Res. 484) providing for the consideration of H. R. 18588—to the Committee on Rules.

By Mr. STEPHENS of Texas: A resolution (H. Res. 485) directing the Secretary of the Interior to transmit to the House a copy of a certain report—to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 18758) granting a pension to Daniel Cannon—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 18759) granting an increase of pension to Daniel B. Bayless—to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 18760) granting an increase of pension to William M. Short—to the Committee on Pensions.

Also, a bill (H. R. 18761) granting an increase of pension to J. S. Mitchell—to the Committee on Pensions.

By Mr. BURLESON: A bill (H. R. 18762) granting a pension to William R. Bradfute—to the Committee on Pensions.

By Mr. CLARK: A bill (H. R. 18763) granting a pension to John B. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18764) granting an increase of pension to John E. Ball—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 18765) for the relief of the heirs at law of the late Duncan H. Campbell—to the Committee on Patents.

By Mr. GIBSON: A bill (H. R. 18766) for the relief of the heirs of Mary Jane Hubbard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 18767) granting an increase of pension to James Elliott—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 18768) granting an increase of pension to Henry W. Yates—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 18769) for the relief of Capt. William C. Butler, Third United States Infantry—to the Committee on Military Affairs.

By Mr. LAMB: A bill (H. R. 18770) for the relief of James Downs—to the Committee on Claims.

By Mr. MOON of Tennessee: A bill (H. R. 18771) granting a pension to J. L. McDowell, alias Leander Dickey—to the Committee on Pensions.

By Mr. McCALL: A bill (H. R. 18772) to correct the military record of James J. Mahagan—to the Committee on Military Affairs.

Also, a bill (H. R. 18773) granting a pension to Emma F. Evans—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 18774) granting an increase of pension to William Schull—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 18775) for the relief of the estate of Robert Thompson Williams—to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 18776) granting an increase of pension to Ambrosia Senecal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18777) granting an increase of pension to Eusebia N. Perkins—to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 18778) granting a pension to Francis Gentzsch—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 18779) granting an increase of pension to Israel N. Green—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 18780) granting a pension to Jane Rankin Eades—to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 18781) granting an increase of pension to Byron Lent—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 18782) granting a pension to Sarah J. Kelley—to the Committee on Invalid Pensions.

By Mr. WILSON of Arizona: A bill (H. R. 18783) for the relief of F. W. Volz—to the Committee on Indian Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Philadelphia Board of Trade, favoring revision of railway rates by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Tampa (Fla.) Board of Trade, against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN: Petition of citizens of Maine, favoring the parcels-post and postal-currency bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. H. Ransdell and 16 others, against repeal of the Grout law—to the Committee on Agriculture.

By Mr. BOWERSOCK: Joint resolution of the Kansas legislature, for an amendment to the Constitution enabling election of United States Senators by the people—to the Committee on the Judiciary.

Also, joint resolution of the Kansas legislature, for irrigation of western Kansas—to the Committee on Irrigation of Arid Lands.

Also, joint resolution of the Kansas legislature, for increased power for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BURGESS: Paper to accompany bill for relief of William M. Short—to the Committee on Pensions.

By Mr. BURLESON: Paper to accompany bill for relief of William R. Bradfute—to the Committee on Pensions.

By Mr. DE ARMOND: Paper to accompany bill for relief of William L. Lee—to the Committee on Invalid Pensions.

By Mr. EVANS: Paper to accompany bill for relief of Paul G. Morgan—to the Committee on Pensions.

By Mr. FITZGERALD: Resolution of the thirty-sixth legislative assembly of New Mexico, against admission of New Mexico and Arizona as one State into the Union—to the Committee on the Territories.

Also, petition of the Order of Railway Conductors, Division No. 54, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. GROSVENOR: Petition of Tampa (Fla.) Board of Trade, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMLIN: Paper in support of bill H. R. 15179—to the Committee on War Claims.

By Mr. HARDWICK: Petition of the Southern Interstate Cotton Convention, favoring increase of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the tobacco growers of Decatur County, Ga., against reduction of tariff on tobacco from the Philippines—to the Committee on Ways and Means.

By Mr. LUCKING: Petition of Alfred Lucking et al., for an amendment of the Constitution to prohibit polygamy—to the Committee on the Judiciary.

By Mr. MARSHALL: Resolution of the legislature of North Dakota, asking an appropriation of \$20,000 to dredge the Red River—to the Committee on Rivers and Harbors.

Also, resolution of the legislature of North Dakota, favoring appropriations for necessary irrigation and reservoir purposes—to the Committee on Irrigation of Arid Lands.

Also, resolution of the legislature of North Dakota, for an act authorizing and permitting use of the waters of the Missouri River for irrigating purposes—to the Committee on Irrigation of Arid Lands.

By Mr. NEEDHAM: Petition of citizens of San Juan, Cal., against reduction of tariff on sugar from the Philippines—to the Committee on Ways and Means.

By Mr. OVERSTREET: Paper to accompany bill for relief of William Schall—to the Committee on Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of estate of Robert T. Williams—to the Committee on War Claims.

By Mr. PORTER: Petition of Woman's Home Missionary Society of Sewickley (Pa.) Methodist Episcopal Church, favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Woman's Home Missionary Society of Sewickley (Pa.) Methodist Episcopal Church, against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Rachel C. Golden—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Wayne Knitting Mills, of Fort Wayne, Ind., against the anti-injunction bill of Mr. JENKINS—to the Committee on Interstate and Foreign Commerce.

Also, petition of Louis Rostetter & Son, of Fort Wayne, Ind., against the anti-injunction bill of Mr. JENKINS—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of Israel M. Green—to the Committee on Invalid Pensions.

By Mr. SNOOK: Paper to accompany bill for relief of Simon McCalla, of Hicksville, Ohio—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Paper to accompany bill for relief of Mrs. Jane Rankin Eads—to the Committee on Pensions.

By Mr. WANGER: Petition of Washington Camp, No. 649 Patriotic Order Sons of America, of Red Hill, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Pomona Grange, No. 22, Patrons of Husbandry, of Bucks and Philadelphia counties, Pa., against the present oleomargarine law—to the Committee on Agriculture.

Also, petition of Lower Providence Presbyterian Church, of Montgomery County, Pa., against the sale of liquor to Indians in future statehood legislation—to the Committee on the Territories.

By Mr. WEBBER: Petition of the Woman's Christian Temperance Union of Norwalk, Ohio, against liquor selling on Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of L. J. Bebant, M. D., against sale of intoxicating liquor in Indian Territory if admitted to statehood—to the Committee on the Territories.

Also, petition of the Woman's Christian Temperance Union of Norwalk, Ohio, against repeal of the anticanteen law—to the Committee on Military Affairs.

#### SENATE.

MONDAY, February 6, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

#### KENTUCKY TROOPS IN CIVIL WAR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 27th ultimo, a copy of the report of the Military Secretary, showing from the records on file in his office the number of Kentucky troops in the military service of the United States during the civil war; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

#### STEAMER PARKGATE.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Assistant Secretary of Commerce and Labor, transmitting, in partial compliance with a resolution of the 3d instant, a copy of the application for registry of the foreign-built vessel *Daventry*, and stating that a report of the proceedings and copies of documents bearing upon the question of admitting to American registry the steamer *Parkgate* will be transmitted without delay. It is the opinion of the Chair that it is not necessary to print the voluminous correspondence, evidence, etc., which accompany the communication, and therefore he will refer it to the Committee on Commerce without printing, if there be no objection. It is deemed necessary to return to the Department the original papers, so that they may be there on file, as they constitute a part of its records.